

# **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **October 11, 2023 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

## **24<sup>th</sup> Meeting of the Year**

**CPA/24/23**

Mr. Ian Pairaudeau (Chair)  
Mr. Handel Whittaker (Deputy Chair)  
Mr. Joshua Bernard  
Mr. Gillard McLaughlin  
Mr. Charles Russell Jr.  
Mr. Peterkin Berry  
Mr. Peter Campbell  
Mr. Kenneth Ebanks  
Ms. Danette McLaughlin  
Ms. Shakina Bush  
Ms. Christine Maltman, MCIP, AICP  
Ms. Celecia Bancroft  
Mr. Ashton Bodden  
Mr. Haroon Pandohie (Executive Secretary)  
Mr. Ron Sanderson (Deputy Director of Planning - Current Planning)

1. Confirmation of Minutes & Declarations of Conflicts/Interests
2. Applications
3. Development Plan Matters
4. Planning Appeal Matters
5. Matters from the Director of Planning
6. CPA Members Information/Discussions

## **List of Applications Presented at CPA/24/23**

- 2.1 LOGIC (AMR Consulting Engineers) Block 49A Parcel 25 Rem 1 (P23-0525) (\$150,000) (NP) 5**
- 2.2 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ) 9**
- 2.3 MICHAEL TAYLOR (Dwayne Construction Ltd) Block 48E Parcel 110 (P22-1106) (\$1.5 million) (NP) 12**
- 2.4 AQUA BAY (Butler Development Group) Block 5D Parcel 4 & Block 5C Parcel 234 (P23-0275) (\$60.0 million) (NP) 20**
- 2.5 JOSEPH MARZOUCA (TAG) Block 21E Parcel 149 (P22-0908) (P22-0909) (\$2.5 million) (NP) 48**
- 2.6 CARY ENGLISH & RALSTON TAYLOR (Craftman's Touch) Block 28C Parcel 476 (P22-0317) (\$2,216,740) (MW) 60**
- 2.7 CASEY GILL Block 15E Parcel 41 (P23-0662) (\$17,800) (AS) 68**
- 2.8 DELISA GOURZONG (AE Designs) Block 1D Parcel 747 (P23-0560) (\$500,000) (MW) 70**
- 2.9 ELBERT EUGENE CONNOR (Roland Bodden & Company) Block 66A Parcel 10 (P23-0617) (\$7,000) (NP) 77**
- 2.10 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ) 80**
- 2.11 JOSEPH BRADSHAW (Island Drafting Ltd.) Block 13E Parcel 52 (P22-0765) (\$51,300) (EJ) 83**
- 2.12 SPG LTD. (GMJ House Plans) Block 53A Parcel 219 (P23-0613) (\$250,000) (NP) 85**
- 2.13 HOPETON JOHNSTON (Platinum Crew) Block 4E Parcel 781 (P23-0319) (\$165,000) (NP) 89**
- 2.14 PATRICIA JACKSON (Envision Design Associates) Block 20D Parcel 320 (P23-0263) (\$92,565) (EJ) 91**
- 2.15 BRUCE WATLER (GMJ Home Plans) Block 32C Parcel 63 (P23-0659) (\$56,000) (NP) 92**
- 2.16 CAYMAN ENGINEERING LTD (AMR Consulting Engineers) Block 6D Parcel 63 (P23-0642) (\$600,000) (NP) 93**
- 2.17 ISLAND FORTUNA DEVELOPMENT LIMITED. (Abernethy & Associates) Block 38B Parcel 163 (P23-0688) (\$8,098) (MW) 101**
- 2.18 DENNIS PASCAL (AE Designs) Block 48C Parcel 166 (P23-0664) (\$175,000) (MW) 105**
- 2.19 KYLE & AZANDRA MILLER (New Perspective Design and Construction) Block 32B Parcel 263 (P23-0794) (\$25,000) (MW) 107**
- 2.20 JUSTIN SEYMOUR (Justin Seymour) Block 49B Parcel 42 (P23-0447) (\$5,000) (MW) 109**

**2.21 JONATHAN RIVARD (Frederick & McCrae) Block 12E Parcel 112 (P23-0580) (\$370,000) (NP) 113**

**2.22 DOCTORS HOSPITAL (Arco) Block 14E Parcel 243, 258, & 249 Rem 1 (P23-0529) (\$5.5 million) (NP) 115**

**2.23 CAYMAN SHORES DEVELOPMENT LTD (Decco Ltd) Block 12D Parcel 95 (P23-0691) (\$7,000,000) (NP) 120**

**2.24 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 12D Parcel 95 (P23-0692) (\$15,000) (NP) 121**

## **APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Logic	10:30	2.1	5
James Sterling (Jimmy) Ebanks	11:00	2.2	9
Michael Taylor	11:30	2.3	12
Aqua Bay	1:00	2.4	20
Marzouca	2:00	2.5	48
Taylor/English Apts	2:30	2.6	60

- 1.1 Confirmation of Minutes CPA/21/23 held on 13<sup>th</sup> September 2023.**  
**Confirmation of Minutes CPA/23/23 held on 27<sup>th</sup> September 2023.**

**1.2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>



## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to Item 2.6)**

#### **2.1 LOGIC (AMR Consulting Engineers) Block 49A Parcel 25 Rem 1 (P23-0525) (\$150,000) (NP)**

Application for a 130' communication tower with generator/fuel tank and batteries enclosure.

**Appearance at 10:30**

#### **FACTS**

<i>Location</i>	Hutland Road in North Side
<i>Zoning</i>	<b>Agricultural/Residential</b>
<i>Notification result</i>	Objector
<i>Current use</i>	Vacant

#### **BACKGROUND**

NA

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Zoning
- 2) Proposed height (130')
- 3) Concerns of the Objector

#### **AGENCY COMMENTS**

Comments have been received from the Water Authority, DOE, Fire Department, NRA, OfReg and DoA.

#### **Water Authority Cayman**

*Please be advised that the Water Authority's requirements for this development are as follows:*

#### **Water / Wastewater**

*The submitted plans do not indicate any additional water source(s) or sanitary fixtures. If this is in fact the case, the Authority has no requirements for this proposal.*

#### **Generator and Fuel Storage Tank(s) Installation**

*In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be*

*accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.*

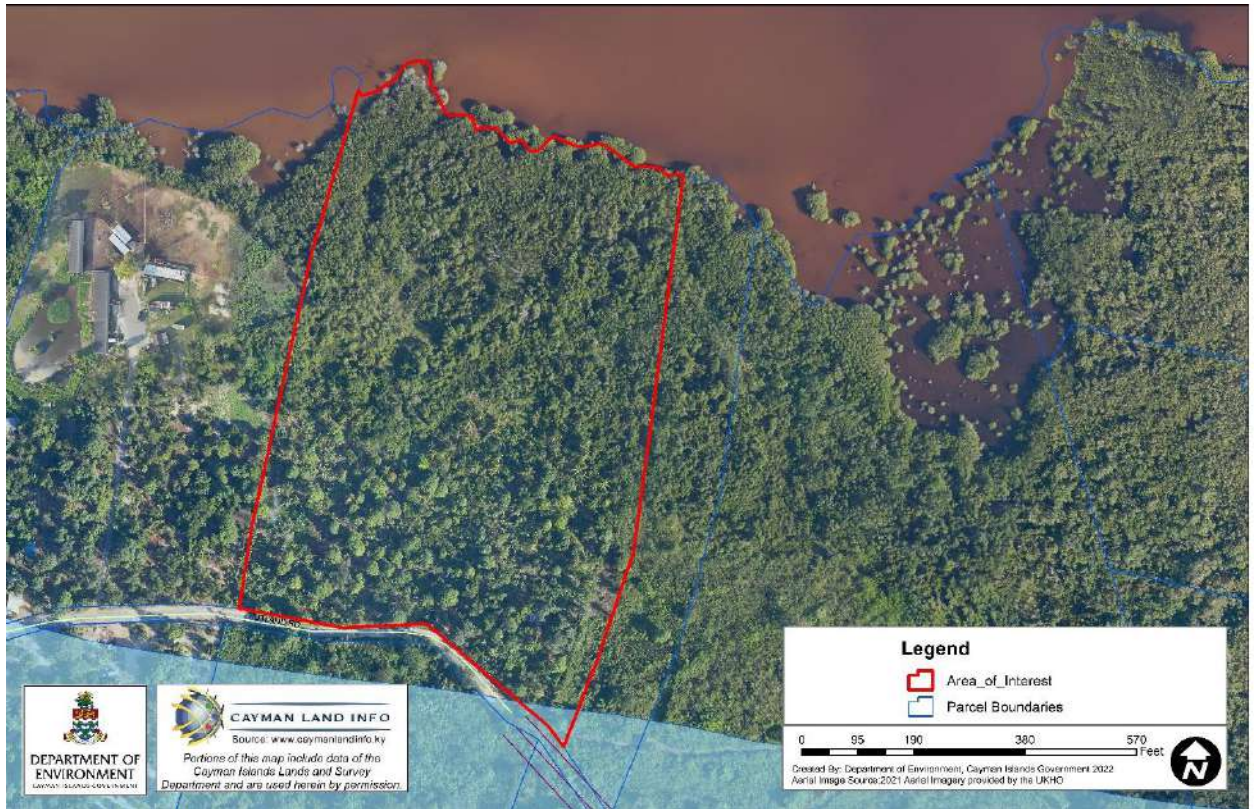
### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The applicant site consists of primary seasonally flooded mangroves as well as regrowth of mangrove wetlands. It is located immediately adjacent to the south of Malportas Pond as shown in Figure 1. The development is localized to the south east of the parcel, providing an opportunity for retention of the mangrove wetland habitat that is on the site. In addition, it is vital that a buffer (of at least 300 ft) is maintained between any development and Malportas Pond to ensure that there are not adverse water quality impacts to the pond.*

*We strongly recommend that the applicant only clears and fill the development footprint the retaining remaining vegetation outside the development footprint (for the avoidance of doubt, this includes the development, landscaped area and the proposed chainlink fence in line with the Building Research Establishment (BRE) definition). Retaining vegetation can:*

- Provide habitat and food for wildlife such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services;*
- Provide sound and privacy buffers from the road and neighbouring properties/developments;*
- Provide mature vegetation which can enhance landscaping and immediately offer shade;*
- Assist with the management of run-off and drainage; and*
- Reduce carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere the amount of greenhouse gas emissions.*



*Figure 1: Aerial image showing the application site outlined in red (Source: UKHO, 2021)*

## **Fire Department**

*Approved for Planning Permit Only – July 6, 2023*

## **National Roads Authority**

*As per your memo dated July 4th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA has no objections or concerns' regarding the above proposed Logic Monopole 130ft. Tower.*

*Should you have any questions, please do not hesitate to contact the undersigned.*

## **OfReg Fuels**

*Ensure the batteries enclosure is 10ft away from the generator's tank as per NFPA 30: 6.5 as the batteries are considered as ignition sources.*

## **Department of Agriculture**

*The land in question is designated class III and IV soil type and is suitable for crop production. The location for the tower is to the corner of an existing crop farm, poses no hindrance to farm operations and appears to have been agreed to by the farm operator.*

## **OBJECTION LETTER**

*I write to object the Notice of Application for Planning Permission pertaining to Block and Parcel 49A25REM1 owned by Handel Whittaker and Dawson Whittaker.*

*I received a notification by mail regarding a proposed project for the construction of a 130 ft. high Logic monopole antenna tower, which is planned within a 500ft radius of my property (Block and Parcel 49A49). The proximity of this proposed construction to my property raises significant concerns for the health and wellbeing of my family, wildlife and residents in the nearby area who may be affected by the installation of the Logic tower.*

*The basis of my concern extends from evidence I gathered from various sources of research that clearly articulate the negative effects of installing antenna towers. For instance, the U.S. Department of Health and Human Services (HHS) outlines the health risks posed by the installation of an antenna tower to residents and wildlife within the areas of proposed projects. From this source there were studies performed in urban conditions that observed the effects of base station antennas that were situated to apartments occupied by residents. With this study, three types of health risks were revealed:*

- 1) Radiofrequency sickness (RS)*
- 2) Cancer (C) and*
- 3) Changes in biochemical parameters (CBP)*

*It is with this evidence that the proposed installation of the Logic monopole antenna tower near my property is concerning to the wellbeing of my family, the wildlife in the surrounding area and nearby residents. In terms of wildlife other studies have shown that the installation of an antenna tower disturbs natural wildlife such as birds which crash into towers midair.*

*Considering this my concern for the local wildlife such as our endangered whistling ducks come to mind due to their known inhabitant of a nearby pond.*

*Whilst the intention of the Logic tower installation is not widespread knowledge to the general community, the potential health risks associated with the radiofrequency emissions from the antenna are concerning. Such concern extends from the health risks mentioned above and in my research the Cayman Islands Cancer Registry has found that the age-standardized incidence rate of cancer in the Cayman Islands has increased by about 20% since 2002. Considering this fact I encourage the CPA to partner with the Health Services Authority (HSA), Cayman Islands Cancer Society (CICS), Ministry of Health, Ministry of Planning and Department of Planning to study the impact of radio towers such as the proposed Logic monopole antenna tower on the health and wellbeing of the Cayman Islands community.*

*In review of my objection to the proposed project I would like to offer the solution of the property owners to reconsider the location of the Logic tower. Rather than being within the 500ft radius of my property, I request for the Logic tower to be installed within a 1320ft radius of my property. This suggestion was conceptualized from my review of an article by RadioSmart which have shown that the radiation energy from mobile tower decreases with*

*distance in which the suggested distance to install such towers is a quarter mile or 1320 ft from inhabits of the area.*

*Respectively, I ask the Central Planning Authority Board to not consider nor approve the current application and request pertaining to Block and Parcel 49A25REM1 owned by Handel Whittaker and Dawson Whittaker.*

## **APPLICANT'S LETTER**

See Appendix A

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Hutland Road in North Side. The property is vacant.

The applicant is seeking planning permission for a 130 foot high Logic Tower.

### **Zoning**

The property is zoned Agricultural/Residential.

### **Specific Issues**

#### **1) Zoning**

Regulation 21 states that two houses per acre may be built on agricultural/residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.

In this instance, the subject site is situated over a water lens, however, the Water Authority has not raised any concerns regarding this matter. Further, the Department of Agriculture has indicated that the site is suitable for crop farming, but expressed no concern with the location of the tower as it will not pose a hindrance to farming around it.

Should the Authority concur with the Water Authority and DoA, then the proposed tower could be permitted under the provisions of Regulation 9(3) in the Low Density Residential zone.

#### **2) Proposed tower height**

Regulation 8(2)(d) states that the maximum height in the A/R zone is 25', however Regulation 8(4) states that sub-regulation (2) does not apply to various items, including a radio antenna tower. As a result, the 130' height can be permitted if the Authority considers the height suitable in this area of North Side.

## **2.2 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ)**

Application for an after-the-fact house comprised of a 20' shipping container and two after-the-fact 40' shipping containers for storage.

**Appearance at 11:00**

## **FACTS**

<i>Location</i>	Sea View Road, East End
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.81 ac. (35,283 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	ATF house & storage Containers
<i>Proposed building size</i>	800 sq. ft.
<i>Total building site coverage</i>	2.27%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

## **BACKGROUND**

NA

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Front setback (15'6" vs 20')
- 3) Concerns of the objectors

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site was previously man-modified with regrowth. Much of the existing vegetation on site had been previously disturbed. Given that this is an after-the-fact application, there is limited opportunity for relevant agencies to provide useful feedback to applicants. However, we recommend that there be no further clearing, filling or excavation works on the site without the appropriate permissions in place. In addition, any further development of the site must be the subject of a separate consultation and consultation with the National Conservation Council*





Figure 1: Photo showing the application site (Source: UKHO, 2021)

## **APPLICANT'S LETTER**

*We are seeking for the above and are applying for a front setback variance for the same pursuant to Regulation 8(13). The application qualifies for the variance under Regulation 8(13) (b) (iii) as the "the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;" because the front setback of 15.5' vs the required 20' will not impede persons travelling on the 30' wide ROW.*

*The front setback became an issue because the person setting out the foundations for the containers inadvertently used an assumed boundary point. For this our client profusely offers his apologies, but this situation will be rectified once he develops the property. At this point he is researching various development scenarios and financing options prior to submitting for the permanent development.*

*We trust that the above is sufficient reasons for the Authority to grant planning permission for a specified time.*

## **OBJECTION LETTER**

*We are responding to a Notice of Application for Planning Permission, for block/parcel 68A119.*

*After reviewing the application, we as joint proprietors of the adjoining block/parcel 68A118, have several concerns as to the plans for Mr. Ebanks property.*

*Both our property and the adjoining lots are zoned agricultural and/or residential as per our copy of the real estate listing when we purchased. The plans for 68A119 because of the rather small living space and the quite large size of the two container units give the appearance to be of commercial use.*

*The ability of these storage units to withstand tropical hurricane winds without debris potential damaging our future home or causing bodily harm, especially as per the plans supplied, because the storage units are simply placed on top of concrete blocks is an additional concern.*

*Lastly, referencing the Central Planning Authority's decision as to the Cleveland Dilbert application:*

*"The use of metal storage containers for the purposes of human habitation would not enhance the quality of life for the persons residing in the containers," "Nor would it safeguard the cultural, social and general welfare of the persons residing in the containers." It explained that regardless of whether the containers could be fitted out to comply with the building code, they are not an "appropriate form of housing". "It is clear to the authority that metal storage containers used for residential purposes are not consistent with the architectural traditions of the islands," the authority said. According to the Development and Planning Regulations, developments in residential zones should be consistent with the architectural traditions of the islands.*

*We have been looking forward to meeting our neighbors and forming a sense of community. We do not enjoy having to write this. In no way are our objections to the proposed plans personal or with malice. We mean no disrespect to Mr. Ebanks and are hopeful that some type of appropriate solution can be accomplished.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact house with metal storage containers is located near to the Blow Holes off Sea View Road in East End.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

The Authority is asked to consider if the design of the after-the-fact house in a metal storage container meets the provisions of Regulation 9(2)(c) for traditional building forms. Also, the Authority needs to determine if it is suitable for two, 40' storage containers to be situated in a residential zone.

#### **2) Front setback**

The after-the-fact house and two shipping containers do not meet Regulation 9(8)(i) as they are located 15' vs 20' from the front (road) boundary; therefore, the applicant is seeking a front setback variance.

## **2.3 MICHAEL TAYLOR (Dwayne Construction Ltd) Block 48E Parcel 110 (P22-1106) (\$1.5 million) (NP)**

Application for a duplex

**Appearance at 11:30**



## **FACTS**

<i>Location</i>	Claries Avenue in Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	13,068 sq ft
<i>Parcel size required</i>	12,500 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Duplex
<i>Building Footprint</i>	4,000 sq ft
<i>Building Area</i>	7,500 sq ft

## **BACKGROUND**

May 24, 2023 (**CPA/12/23; Item 2.3**) – The Authority resolved to adjourn the application after the applicant’s agent appeared in person and advised that he would apply for a duplex instead of 3 apartments.

**Recommendation:** Discuss planning permission for the following reason:

- 1) Design of duplex

## **AGENCY COMMENTS**

The following comments regarding the proposal have been received to date:

### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site is heavily man-modified, having historically been cleared and filled. The site is within the Meagre Bay Pond Protected Area. A Protected Area Management Plan was approved by Cabinet on 15 February 2022 for Meagre Bay Pond. A copy of the Management Plan can be downloaded from the National Conservation Council’s website at: [www.conservation.ky/existing-protected-areas/](http://www.conservation.ky/existing-protected-areas/). Although the site is located in the Protected Area, it falls within the Residential Zone which is established as a management zone within the Management Plan. The zone is shown in the map below (Figure 1).*



**Figure 1: Extract from Meagre Bay Pond Protected Area Management Plan showing the application site (Block 48E Parcel 110) within the residential zone. (Meagre Bay Pond Protected Area Management Plan available from: [www.conservation.ky](http://www.conservation.ky))**

*The purpose of this zone is to rationalise past mistakes made in the approval of a subdivision which extended into the former Animal Sanctuary (now a Protected Area under the National Conservation Act).*

*We highlight that under the Protected Area Management Plan for Meagre Bay Pond (2022), the following Directives apply to landowners and residents within the Residential Zone of the Meagre Bay Protected Area:*

- *No expansion of habitat modification for human uses in the Protected Area is allowed beyond the Residential Zone boundaries as defined in this Management Plan.*
- *The only active land use change permitted within the Residential Zone is for residential housing.*
- *Home owners and occupants in the Residential Zone may not dispose of any effluents, garbage, yard waste or any other waste materials into the adjacent Protected Zone.*
- *Home owners and occupants in the Residential Zone may not allow pet dogs, cats or other domesticated animals to roam into the Protected Zone.*
- *Within the Residential Zone and subject to any other law and other directives for this zone, the provisions of Section 32 (b – f) of the National Conservation Act are not enforced.*

*These Directives must be adhered to. Failure to adhere to the Directives set in the Meagre Bay Pond Protected Area Management Plan constitutes an offence under the NCA.*

*Best management practices should also be adhered to during construction to reduce impacts on the environment. If the Development Control Board or Planning Department is minded to grant planning permission for the proposed addition, we recommend the inclusion of the following condition in the approval:*

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

*In addition, we recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. The inclusion of native species is especially important given that the site is within a Protected Area. The DoE would also encourage the applicant to consider the use of porous surfaces in the car park to allow rainwater infiltration and help to manage the impacts of stormwater run-off.*

## **Water Authority Cayman**

*Please be advised that the Water Authority's requirements for this development are as follows:*

### **Wastewater Treatment & Disposal**

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Proposed Townhouse</i>	<i>3 x 3-Bed Units</i>	<i>300gpd/3- Bed</i>	<i>900</i>
<b>TOTAL</b>			<b>900</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.*

***The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***

- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.*** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

***For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***

- 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2) *All dimensions and materials shall be provided for any site-built tanks.*
- 3) *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4) *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5) *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6) *The Water Authorities updated 2020 effluent disposal well specifications.*
- 7) *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

#### **Traffic Rated Tank and Covers**

*The drawings indicate the septic tank is proposed to be located within a traffic area. **Therefore, a traffic rated tank and covers are required.** The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.*

#### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water*

*Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

*The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

## **Department of Environmental Health**

### **Solid Waste Facility:**

1. *This development require 4 (33) gallon bins and an enclosure built to the department's requirements.*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

**Table 1: Minimum Enclosure Dimensions**

<b><u>Number of Containers</u></b>	<b><u>Minimum Dimensions (feet)</u></b>		
	<b><u>Width</u></b>	<b><u>Length</u></b>	<b><u>Height</u></b>
<b><u>4</u></b>	<b><u>5.00</u></b>	<b><u>5.00</u></b>	<b><u>2.50</u></b>

## **National Roads Authority**

*As per your email of January 17th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **General Issues**

*As per the topographic details shown in the survey provided, the proposed driveway is located on an unfinished section of road. The applicant will need to construct the road to meet minimal NRA specification for subdivision roads (including the drainage conveyance requirement) up to the subject parcel. Please see sections 8 and 10 of the Design and Construction Specifications for Subdivision Roads & Property Development. Please have applicant comply with this requirement before the issuance of any building permits.*

*A six (6) foot sidewalk shall be constructed on Claries Avenue, within the property boundary, to NRA standards. Please see our [Details of Concrete Curbs and Sidewalks](#).*

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be between twenty-two (22) feet and thirty (30) feet wide. Please have applicant rearrange the driveway/parking accordingly.

#### Road Capacity Issues

The traffic demand to be generated by a residential development of three (3) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Claries Avenue is as follows:

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
<b>20</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>

Based on these estimates, the impact of the proposed development onto Claries Avenue is considered to be minimal.

#### Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a between twelve (12) and sixteen (16) ft. wide. Two-way driveway aisles shall be between twenty-two (22) ft. and thirty (30) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

#### Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.



- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Claries Avenue. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures from the applicant.*

## **Fire Department**

The Fire Department has requested that a fire well be added to the site plan.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Claries Avenue in Bodden Town.

The proposal is for three three-bedroom townhouses with 6 parking spaces.

Adjacent landowners were notified by Registered Mail and no objections have been received.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

There do not appear to be other apartments or townhouses in this area of Bodden Town.  
There is a duplex on 48E 105.

#### **2) Lot Size**

Regulation 9(8)(f) states that the minimum lot size for apartments and townhouses in an LDR zone is 25,000 square feet.

The application is for townhouses on a parcel with 13,068 square feet.

The CPA should discuss whether a variance is warranted in this instance.

#### **3) Number of Bedrooms**

Regulation 9(8)(c) permits a maximum of 24 townhouses per acre in the LDR zone.

This parcel, with 0.3 acres, is permitted a maximum 7 bedrooms according to the Regulations and the applicant is proposing a total of 9 bedrooms.

The CPA should discuss whether a variance is warranted in this instance.

### **SUPPLEMENTARY ANALYSIS**

The original proposal was for three townhouses with 6 parking spaces.

During an appearance with the Authority on May 24, 2023, the applicant agreed to apply for a duplex instead of a triplex. The applicant's agent has submitted revised drawings proposing a duplex on the subject property instead of a triplex.

The original triplex plans have been modified in only one aspect. An internal connection on the ground floor has been added between two units and one of the two kitchens in the expanded unit converted to a wet bar. The end result is a four bedroom unit and a seven bedroom unit.

It should be noted that the connection can easily be closed in after a Certificate of Occupancy has been issued and the wet bar converted to a kitchen, resulting in the triplex development that was originally applied for.

## **2.4 AQUA BAY (Butler Development Group) Block 5D Parcel 4 & Block 5C Parcel 234 (P23-0275) (\$60.0 million) (NP)**

Application for 38 apartments & a pool.

**Appearance at 1:00**

### **FACTS**

*Location*

West Bay Road, West Bay



<i>Zoning</i>	<b>Hotel/Tourism</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	1.6659 acres (combined) 5D 4 – 1.41 ac 5C 234 - .2559 ac
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Apartments & pool
<i>Proposed use</i>	Apartments & pool
<i>Proposed Building Footprint</i>	23,130.1 sq. ft.
<i>Proposed Building Area</i>	159,974.6 sq. ft.
<i>Number of Permitted Apartments</i>	34
<i>Number of Proposed Apartments</i>	38
<i>Site Coverage Permitted</i>	40 %
<i>Site coverage Proposed</i>	36.8 %
<i>Parking Required</i>	57
<i>Parking Proposed</i>	63

## **BACKGROUND**

Existing apartment complex

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Determine if there is adverse effect per Section 41(3) of the National Conservation Act
- 2) Number of apartments
- 3) Height of building
- 4) Concerns of the Objectors

## **AGENCY COMMENTS**

Comments from agencies that have responded to the circulation of the plans are provided below.

### **Water Authority Cayman**

*Please be advised that the Water Authority's requirements for this development are as follows:*

#### **Wastewater Treatment**

*The development shall be connected to the West Bay Beach Sewerage System (WBBSS) as per Section 42 (1) of the Water Authority Act (2022 Revision).*

- *At this time the public sewerage system does not extend as far north as this property. The West Bay Beach Sewerage System (WBBSS) pipeline currently terminates at The Renaissance, approximately 2,200 feet further south. Although the actual timing for this major pipeline extension has not yet been decided, the Water Authority will extend the low-pressure sewer system along West Bay Road up to West Bay Cemetery Beach/West Bay Fire station to accommodate this development.*
- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make necessary arrangements for connection.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web: [http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer\\_1425464500\\_1426308023.pdf](http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf)*
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

*The Authority will not be responsible for delays due to insufficient notice from the developer.*

#### *Wastewater Pump Station*

*The developer must provide and install a wastewater pump station for connection to the abovementioned low-pressure sewer.*

- *The pumping station must be equipped with two submersible grinder pumps (one duty and one stand-by).*
- *Each pump must be capable of pumping the wastewater flow generated by this development against a total head of at least 50 feet back pressure PLUS any head losses between the pumps and the point of connection.*
- *Details on the proposed grinder pumps must be submitted to the Water Authority for approval, prior to ordering any materials, to ensure they will be adequate.*
- *It is strongly recommended that this pumping station is provided with emergency power to ensure its proper operation even when no mains power is available.*
- *Please be advised that the operation and maintenance of this wastewater pumping station will remain the responsibility of the Aqua Bay development.*

### Elevator Installation

Hydraulic elevators are required to have an approved pump with oil-sensing shut off installed in the sump pit. Specifications of the proposed pump shall be sent to the Water Authority at [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for review and approval.

### Lint Interceptor Required - Commercial, Institutional & Coin-op Laundries

An approved lint interceptor is required for commercial, institutional and coin-operated laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)

### Generator and Fuel Storage Tank(s) Installation

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

### Water Supply:

Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.

- The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.

The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.

## **Fire Department**

The Fire Department has requested that the site plan be revised to include the proposed and/or existing fire well and fire hydrant.

## **Department of Environmental Health**

### Solid Waste Facility:

This development requires (2) 8 cubic yard container with three times per week servicing.

***Table 1: Specifications for Onsite Solid Waste Enclosures***

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
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8	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails
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**NOTE:**

*The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for deep well details.*

**Swimming Pool:**

*A swimming pool application must be submitted to DEH for review and approval prior to constructing the pool.*

**National Roads Authority**

*As per your email dated May 11th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**General Issues**

*Entrance and exit curves shall be no less than fifteen (15) feet in radius. Please have the applicant adjust the site plan so that both entrance/exit curves on 5C234 (Auxiliary Parking) and the two entrance/exit curves between the entrance and exit only of 5D4.*

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of thirty-eight (38) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to West Bay Road is as follows:*

Expected Daily Trips	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
253	19	4	15	24	16	8

*Based on these estimates, the impact of the proposed development on West Bay Road is considered to be minimal.*

**Access and Traffic Management Issues**

*Entrances shall be between twenty-two (22) and twenty-four (24) feet wide.*

*A six (6) foot sidewalk shall be constructed on West Bay Road within the property boundary, to [NRA specifications](#).*

*One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) feet wide. Two-way driveway aisles shall be a minimum of twenty-two (22) feet wide.*

*Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen-foot (16') minimum.*

#### *Stormwater Management Issues*

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worse than pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto West Bay Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk details need to be provided as per [NRA specifications](#).*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or*



raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"

Failure in meeting these requirements will require immediate remedial measures from the applicant.

## Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).

Given the type of development (i.e. a 10-storey residential development) and the scale and location of the proposal, the project was screened for an Environmental Impact Assessment (EIA) as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12)(j) and which has effect under Section 43(2)(c) of the National Conservation Act, 2013. The Screening Opinion was considered and endorsed by the National Conservation Council at their meeting on 23 August 2023 and is provided in Appendix 1 of this review. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the EIA Screening Opinion, the project does not require an EIA to be conducted in order to understand the environmental effects.



Figure 1: Site context showing location of the site in relation to critical sea turtle nesting habitat and the offshore Marine Protected Area (Aerial Imagery Source: UKHO, 2021).

The beach at the site has been designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green

turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).

*As per Sections 41 (4) and (5) of the National Conservation Act (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct the inclusion of those conditions in any planning permission that may be given.*

*The main threats to sea turtles from development on turtle nesting beaches are:*

- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removing nesting areas from the critical habitat and indirectly impacting the critical habitat through modification and degradation of the natural beach,*
- *Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

### ***Construction Impacts***

*Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.*

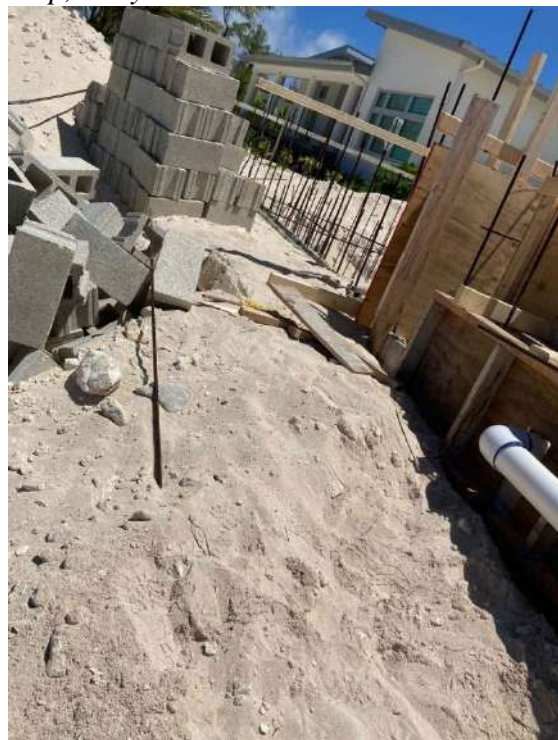
*The excavation of the foundations and basement parking will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site.*

*Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 2 and 3 below show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figure 6 shows a sea turtle hatchling which was killed due to heavy equipment being operated on the beach.*





*Figures 2 & 3: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence in Figure 2 is dangerous to sea turtles as it is sharp, rusty and not secure.*





*Figures 4 & 5: DoE photos showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).*



*Figure 6: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).*

*For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chainlink fencing are all **unacceptable** as they can be dangerous to turtles and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.*

*Temporary beachside construction fencing must be:*

- Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- Made from a sturdy/solid material like plywood with no gaps (i.e. not chainlink fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;*
- Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles; and*

- *Inspected by the DoE after installation and written approval shall be obtained from the DoE that the installed fence is suitable for the exclusion of turtles.*
- *Suitable to contain all excavated material, construction materials and demolition waste landward of the fencing.*



*Figure 7: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).*

### **Development Setbacks**

*Given the climate change predictions for the region, including sea level rise and increased intensity of storm events (including storm surge), the DoE is pleased to see that the proposed redevelopment includes a relocation of the pool landward such that it no longer extends seaward of the natural vegetation line. It is important to highlight that minimum setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards.*

*The width of critical habitat is the sea turtle nesting habitat from the low water mark to the vegetation line (defined as the line of woody/permanent vegetation or the closest impermeable structure). The removal of the existing pool from this critical habitat would*

*increase the area available for sea turtle nesting provided the void left by the removal of the pool is filled with beach quality sand.*

### **Artificial Lighting**

*Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.*

*Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 8-10 show examples of properties in Grand Cayman that have turtle friendly lighting installed.*



*Figures 8-10: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).*

*Due to the scale of the proposed development, and the density of turtle nesting in the area (refer to Figure 11), ill-considered artificial lighting will significantly disrupt turtle nesting activities in the vicinity.*

*The proposed building has a high proportion of glazed area, meaning that interior lights are also likely to have negative impacts on sea turtle nesting. Due to the height of the building and amount of glazing, extensive window treatments or specialty glazing are likely to be required in order to mitigate this.*



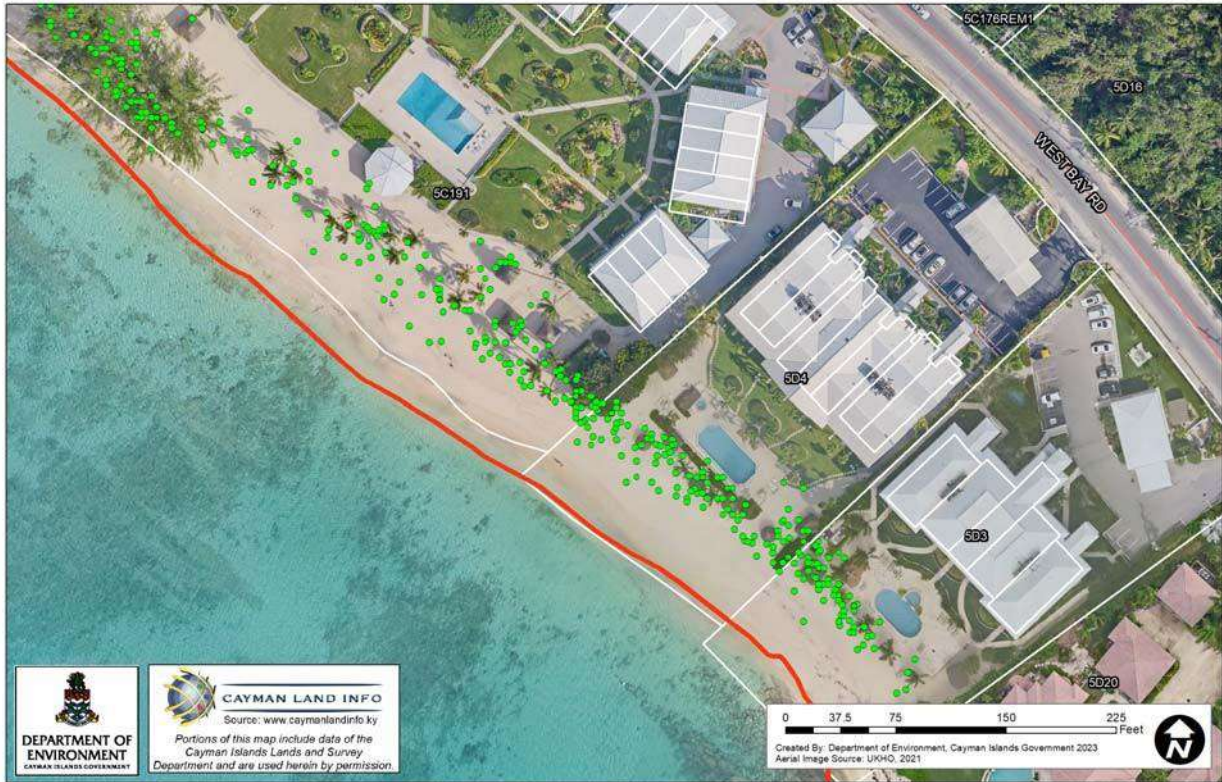


Figure 11: Each dot represents a recorded sea turtle nest (Source: DoE Turtle Nest Monitoring Project Data, 2022 ).

### Importance of Coastal Vegetation

Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles in this proposed critical location. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

We strongly urge the applicant to retain as much mature native vegetation as possible, particularly along the coastal frontage of the site. We also encourage the applicant to plant and incorporate native species in their landscaping scheme. This, along with the relocation of the existing pool landward has the potential to provide a positive benefit to the sea turtle nesting critical habitat.

### Daylight, Sunlight, Overshadowing, Overlooking and Cumulative Effects

*The proposed development features a 10-storey building. As the neighbouring properties are low-rise developments in fairly close proximity, there is expected to be significant overlooking by the Proposed Development. It is highly likely that the construction of the proposed development will lead to overshadowing and blocking of daylight / sunlight from the southernmost units at Silver Sands, and from a significant portion of The Palms. As such, we recommend that the CPA give due holistic consideration to visual impact and the impacts of daylight, sunlight and overshadowing, both at a development-specific scale and more generally as part of development planning for the islands.*

*The proposed redevelopment is another in a string of similar redevelopment projects along Seven Mile Beach. It is highly likely that other existing low-rise condominiums will also seek to redevelop into 10 storey buildings and this is changing the nature of Seven Mile Beach. The cumulative redevelopment of properties to higher, more densely populated buildings will introduce more people onto the beach and a cumulative increase in population density is likely to exacerbate traffic issues for the area. As discussed above, the proposed development will also be visually prominent. With cumulative development, this will change the view of Seven Mile Beach from low-rise to high-rise.*

### **Renewable Energy**

*The DoE recommends that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). We do note that there has been some inclusion of renewable energy on the roof space. We also strongly recommend that photovoltaic solar panels are installed over the parking spaces on 5C/234. Not only does this provide renewable energy to serve the development, but it also provides shade and cover for the cars beneath.*

### **Section 41(4) Considerations**

*The site is designated as the critical habitat of a protected species under the NCA. This beach has a very high density of turtle nesting over the last 20 years, as evidenced by the DoE's nest monitoring program.*

*Without appropriate controls, there would or would likely be an adverse effect on the designated sea turtle critical habitat, namely:*

- *Section 2(a) of the NCA: alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife, and*
- *Section 2(j) alterations that may hinder or impede the movement or migration of wildlife.*

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority***

***to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

*In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project are appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.*

### **Appendix 1 – Draft Conditions**

*The following contains an indication of the DoE's section 41(5) response on behalf of the NCC and a draft of the Directed Conditions which will be required to form part of the approval for this project following application under section 41(4) of the NCA.*

#### **Draft Directed Conditions**

##### ***Prior to Any Site Works***

- 1. Prior to the commencement of any site works such as clearing, filling, grading and road construction, the property owner shall contact the Department of Environment to check for the presence of turtle nests; written approval shall be obtained from the Department of Environment that no nests will be impacted by the commencement of works.*

##### ***Prior to the Issuance of a Building Permit***

- 2. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 3. Prior to the installation of the beachside construction fencing and the commencement of construction works, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the installation of the embedded fencing or the commencement of construction works. The Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 4. Prior to the issuance of a Building Permit, beachside construction fencing associated with the works shall be installed and be positioned 75 from the Mean High Water Mark. The fencing shall be erected so that it fully encloses the beach-facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles from entering the construction site or digging under the fencing. The applicant shall liaise directly with the Department of Environment for requirements guidance regarding this fencing. The Department of Environment will inspect the fencing and confirmation of the Department*

*of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

### ***During Construction***

5. *All construction materials including excavated materials and/or debris shall be stockpiled on the landward side of the construction fencing.*
6. *The void remaining following demolition and removal of the existing pool shall be filled with site-derived beach quality sand.*
7. *Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

### ***Prior to the Issuance of a Certificate of Occupancy***

*Section 42 (1) and (2)(a) of the NCA states:*

*42 (1) "At the time that the Council agrees to a proposed action subject to conditions imposed pursuant to section 41(5)(a), it may, in its discretion, direct that a schedule of inspections be carried out by or on behalf of the Director to ensure compliance with the conditions.*

*42 (2) Where a schedule of inspections has been required by the Council under subsection (1)-*

*(a) the Central Planning Authority or the Development Control Board shall not issue a certificate of completion pursuant to the Development and Planning Law (2011 Revision) in respect of the proposed action until the Council has certified that the conditions imposed pursuant to section 41(5)(a) have been complied with;"*

*Therefore, in addition, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the NCA, the Director of DoE **respectfully directs** that the following condition be imposed under Section 42:*

8. *Lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

*These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles*

*(Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).*

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.*



4 September 2023

## Notice of National Conservation Council



DEPARTMENT OF  
ENVIRONMENT  
CAYMAN ISLANDS GOVERNMENT

- 1) The proposed action is a decision by the National Conservation Council for the redevelopment of the Aqua Bay area.
- 2) The proposed development is a large scale development situated on a turtle nesting beach, designated as a Critical Habitat and so falls within Schedule 1 of the National Conservation Act. It is necessary for the development to be screened to determine if an Environmental Impact Assessment (EIA) is required under the National Conservation Council's Directive for Environmental Impact Assessments (EIA) which has effect under section 43(2) (c) of the National Conservation Act.
- 3) The proposed development was considered by the National Conservation Council at its General Meeting on 23 August 2023.
- 4) Council noted a variety of factors, including but not limited to
  - a. The Department of Environment screening opinion and the representative project plans.
  - b. The Department of Environment presentation on the project.
  - c. The environmental mitigation measures proposed by the applicant.
- 5) Under section 41(3) of the National Conservation Act, 2013, the views of the Council shall be taken into account by the Central Planning Authority when making their decision on the proposed action.
- 6) The National Conservation Council decided that,
  - a. an EIA is not needed, but that mitigation measures with respect to turtles are secured by conditions; and
  - b. the proponent should be encouraged to use their parking lot across the street for additional solar power,
 if the development is approved by the Central Planning Authority.
- 7) It should be communicated to the Central Planning Authority, and by the Authority through their usual and sufficient means of communication to the appropriate parties, that the Central Planning Authority and a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

*John Bothwell*

John Bothwell – Manager, Legislation Implementation & Coordination Unit  
Secretary, National Conservation Council  
Email: [John.Bothwell@gov.ky](mailto:John.Bothwell@gov.ky) ; [Conservation@gov.ky](mailto:Conservation@gov.ky) Please see  
our website [www.Conservation.ky](http://www.Conservation.ky)

## ***Screening Opinion for the Proposed Redevelopment of Aqua Bay 29 May 2023 Executive Summary***

*The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.*

*The proposed development includes a 10 storey apartment building with 38 units (159,975 sq ft) with below ground parking, a pool, a generator, and ancillary parking across the street. The site is located at Block 5D Parcel 4, to the west of West Bay Road at the existing site of the Aqua Bay Club Condominiums with the ancillary parking to be located at Block 5C Parcel 234, to the east of West Bay Road. The site is located on a turtle nesting beach, designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricatea*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020).*

*The applicant has included a number of mitigation measures into the proposed redevelopment including an increased setback when compared to the existing development from the MHWM for the hard structures and a ground floor elevation of 16 feet above mean sea level, as well as areas set aside for renewable energy.*

*The planning application was considered against the screening criteria outlined in the EIA Directive. There would be beneficial effects with respect to ecology if the recommended conditions were included and implemented, including a turtle friendly lighting condition. In the absence of these conditions, there would be severe adverse effects on sea turtles by directly and indirectly increasing their mortality. There may be minor adverse impacts with respect to noise during construction and with cumulative development at Seven Mile Beach. These effects should be considered by the Central Planning Authority. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing that should be considered further due to the prominence of the building on the beach and we have recommended additional studies to assess these effects.*

***The Department of Environment is of the opinion that the proposed development does not require an EIA as there are no likely significant adverse effects provided that mitigation measures with respect to turtles are secured by condition and implemented conditions.***

## ***Introduction***

*The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is an EIA development (i.e. requires an EIA) is called screening.*

*The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCL, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The proposed development falls within Schedule 1, i.e. large-scale residential development adjacent to a Marine Protected Area.*

*The screening criteria include:*

- *The type and characteristics of a development;*
- *The location of a development; and*
- *The characteristics of the potential impact.*

*These screening criteria have been considered with respect to the proposed development in order to determine whether an EIA is required.*

### ***The Site***

*The main development site is located at Block 5D Parcel 4, to the west of West Bay Road at the existing site of the Aqua Bay Club Condominiums. The Planning Permission Drawing set also indicates that ancillary parking is to be provided to the east of West Bay Road at Block 5C Parcel 234. The site location is shown on Figure 1. Block 5D Parcel 4 has an area of 1.38 acres and is located on Seven Mile Beach. The site is located on a sea turtle nesting beach, and is designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricate*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020). Based on the Department of Environment (DoE)'s 20 years of monitoring sea turtle populations, the site has had a large number of nests, primarily of Green sea turtles (*Chelonia mydas*). Block 5C 234 has an area of 0.26 acres and is located landward of West Bay Rd.*

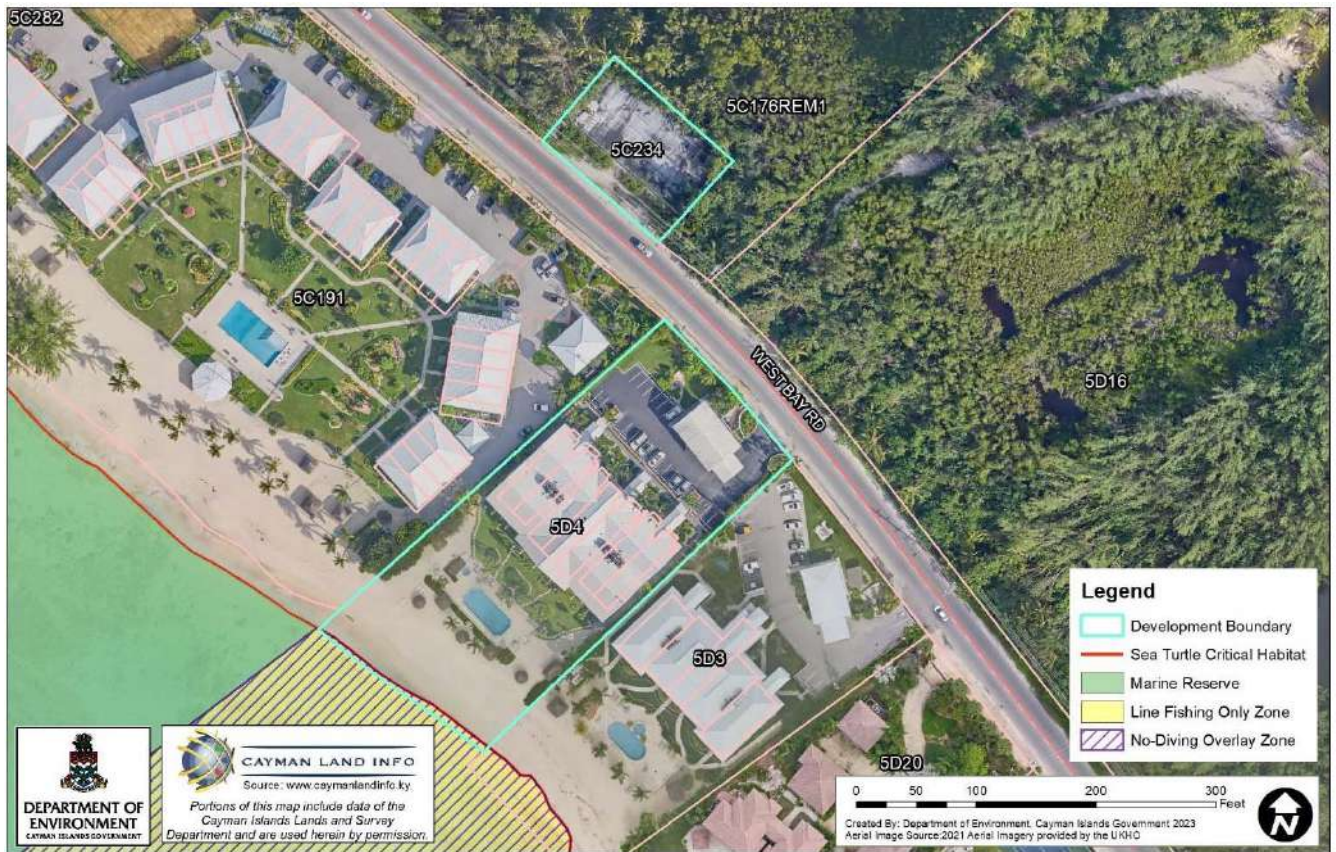
*The existing development is not considered to be an architectural heritage asset and currently forms a low-rise residential complex with one pool. The closest hard structure to the Mean High Water Mark (MHW) is the pool, at a distance of approximately 80 feet. The existing building is set back further from the MHW at approximately 150 feet.*

*The existing landscaping, with the exception of the pool, appears to be set back at the approximate natural vegetation line (approximately 100 to 130 feet from the Mean High Water Mark).*

*The existing buildings on site, and the pool are to be completely demolished to make way for the proposed development.*

*The site is adjacent to a Marine Protected Area – the West Bay Bight No-Diving and Line Fishing Only Zone and the West Bay Bight Marine Reserve*

*Figure 1. Site Location and Environmental Context Plan (Aerial Imagery Source: UKHO,*



2021)

## ***Proposed Development***

### ***Description of the Proposed Development***

*The proposed development comprises a single 10 storey apartment building with 38 units (159,975 sq ft) with a fitness centre, pool and below ground parking providing a total of 45 parking spaces. In addition to the below ground parking, a secondary lot providing ancillary parking with an additional 18 parking spaces is proposed across West Bay Rd. This provides a combined total of 63 parking spaces. A generator, transformer and garbage enclosure are also located on this secondary lot. The roof of the building is to feature a rooftop deck with barbecue areas and (4) infinity pools with spas. A portion of the roof has been set aside for photovoltaic panels and solar hot water collectors.*

### ***Planning History***

*The site originally consisted of a single residential property, and was redeveloped as the Aqua Bay Club Condominiums in the 1980s. The existing property features a total of 21 units.*

*The strata were originally contacted by the DoE regarding the Turtle Friendly Lighting Retrofit Program, at which point it was indicated that they planned to redevelop the site to*



*feature a 10 storey residential building. As such, the existing property does not feature Turtle Friendly Lighting.*

### ***Characteristics of Potential Impact***

*The baseline conditions, the potential impact of the proposed development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. Having due regard to air quality, architectural and archaeological heritage, flood risk and water quality, ground conditions, socio-economics, there are not considered to be adverse environmental impacts in these areas and therefore they are not discussed further.*

### ***Ecology***

*The site is located on a sea turtle nesting beach which was designated Critical Habitat under the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020). Due to the height and massing of the structure, if mitigating measures are not considered, the proposed development has a high likelihood of impacting the turtle nesting beach. Bright lights on the beach can deter female turtles from nesting and cause baby turtles to misorient and crawl away from the sea, where they often die from dehydration, exhaustion, predators or vehicle impacts. It is important that any lighting that may directly, indirectly, or cumulatively illuminate the nesting beach be turtle friendly.*

*In addition to the above, the ocean facing façade of the building features a very high proportion of glazed area. As with exterior lights, artificial lights from within buildings can also have negative impacts on sea turtle nesting. Due to the height of the building and the amount of glazing, extensive window treatments or specialty glass may be required in order to mitigate this.*

*The Applicant has not requested any variances to the setbacks in the Development and Planning Regulations, and appears to have positioned the proposed development behind the natural vegetation line, significantly further landward than the original structure. All hard structures are located at least 130 feet from the Mean High Water Mark, and the 10 storey structure is set back 190 feet from the Mean High Water Mark. This meets the increased setbacks required for structures exceeding 3 storeys in a Hotel/Tourism zone under the Development and Planning Regulations.*

*The relocation of the property landward during the redevelopment is likely to have a moderate beneficial effect on ecology as the development will no longer extend seaward of the natural vegetation line, and there is the potential to increase the total area of habitat available for sea turtles depending on the mitigation measures put in place for turtles.*

*Overall, the proposed development has the potential to have a moderate beneficial effect on ecology through the installation of Turtle Friendly Lighting and a more sensitively-placed development which does not extend seaward of the natural vegetation line, **but only if the following mitigation measures are secured by conditions on the applicant's planning***

***permission and adequately implemented.*** The beneficial effect is contingent upon the following conditions:

- *The applicant shall prepare and submit a plan to the DoE for turtle friendly lighting (inclusive of window tinting and details of window treatments), which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018). The DoE will inspect the exterior beach lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
- *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- *No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- *Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- *Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. In particular, sand could be used to fill in the void created by the demolition of the existing pool. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.*

*In the absence of these conditions, the proposed development would severely adversely impact sea turtles ( a protected species under the National Conservation Act) through directly and indirectly increasing their mortality.*

### ***Noise and Vibration***

*The surrounding noise environment is relatively quiet and predominated by road traffic noise. There are adjacent residential receptors to the northwest and southeast. The proposed development has the potential to generate noise through the demolition, clearing, filling and construction. The proposed development is not likely to generate noise during operation. The effect is not considered to be significant and therefore it is the role of the Central Planning Authority (CPA) to consider the noise associated with the construction of the proposed development.*

*With respect to vibration, there is potential for impact during construction, the severity of this impact depends on the proposed construction method. The DoE has preliminary evidence that vibrations from augercast piling close to nests can reduce the nest success rate by collapsing the nest structure and/or impacting the development of eggs into sea turtle hatchlings. Demolition, site clearing and compaction are also likely to generate vibrations. As such, in the event that a nest is likely to be impacted by the effects of vibration, the Applicant will be required to liaise with the DoE to avoid the accidental committal of an offence under the NCA.*



## ***Transport***

*The proposed redevelopment will almost double the number of units on site. Therefore, the proposed development will inevitably increase the demand on existing road infrastructure in the immediate vicinity. Due to the nature of the proposed development, this effect is not considered to be significant, although it would be important to consider the cumulative effects if all developments in the area were to follow suit.*

## ***Climate Change***

*Climate change is likely to have severe impacts on the Cayman Islands, including the site. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy<sup>1</sup>. At the time of writing, the Cayman Islands Climate Change Policy is in draft form and at public consultation stage.*

*The proposed development is likely to both contribute to climate change and be affected by climate change. The proposed development is likely to contribute to climate change during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation.*

*However, embedded mitigation measures have been proposed including increasing the setback from the existing development to meet the minimum setbacks under the Development and Planning Regulations, and a first floor slab at 16 feet above Mean Sea Level.*

*The effects of climate change on the proposed development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the proposed development<sup>2</sup>. The proposed development is setback from the Mean High Water Mark by 130 ft, however the risk of effects from climate change still remain. A small amount of solar energy is proposed for the proposed development. This includes a portion of the roof set aside for photovoltaic panels and solar hot water collectors for the pool and spa. The incorporation of renewable energy will help to provide climate change resilience and mitigation.*

*The proposed development does feature below ground parking. Although set back 190 feet from the MHWM, the finished floor level of the below ground parking is only 5 foot 3 inches above Mean Sea Level. This leaves this area susceptible to flooding during future storm events. The proposed development also features a significant amount of floor to ceiling glazing. This will increase the cooling demand and therefore the energy and resource consumption of the development once operational. In addition to this, the site features a relatively large proportion of paved area meaning that drainage is likely to be a consideration. In light of the above, the proposed development could have been more sensitively designed with respect to the climate.*

*There are not considered to be likely significant effects with respect to climate change.*

### ***Visual Impact; Daylight, Sunlight and Overshadowing***

*The proposed development features side setbacks of 20 feet from neighbouring properties. This meets the minimum required setback under the Development and Planning Regulations, however it should be considered that the proposed redevelopment consists of 10 storeys which is in stark contrast to the low rise buildings in the immediate vicinity. The neighbouring property to the north (Silver Sands, Block 5C Parcel 191) and to the south (The Palms, Block 5D Parcel 3) are both low rise residential properties and the proposed development will have a visual impact on these properties given the relative height differences.*

*It is highly likely that the construction of the proposed development will lead to overshadowing and blocking of daylight / sunlight from the southernmost units at Silver Sands, and from a significant portion of The Palms.*

*Although an EIA is not believed to be required in order to assess these effects, the DoE strongly recommends that the CPA give due holistic consideration to visual impact and the impacts of daylight, sunlight and*

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<sup>1</sup> National Climate Change Committee. (2011). *Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft)*.

<sup>2</sup> Climate Studies Group. (2014). *Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.*

*overshadowing both at a development-specific scale and more generally as part of development planning for the islands. For this development, we recommend the following:*

*A high-level assessment of visual impact on the receptors from the Silver Sands and The Palms; and an assessment of daylight, sunlight and overshadowing for the two neighbouring properties.*

### ***Cumulative Effects***

*The proposed redevelopment is another in a string of similar redevelopment projects along Seven Mile Beach. There are likely to be other older low-rise condominiums who may also seek to redevelop into 10 storey buildings and this is changing the nature of Seven Mile Beach. The cumulative redevelopment of properties to higher, denser buildings will introduce more people onto the beach and a cumulative increase in population density is likely to exacerbate traffic issues for the area. The proposed development will be visually prominent and with future cumulative development, there will also be visual amenity effects, as the view of Seven Mile Beach from the beach, from the water and from West Bay Road will change from low-rise to high-rise. This should be considered as part of the Seven Mile Beach Tourism Corridor Area Plan, though the DoE is not aware of the current status of that Area Plan.*

### ***Conclusions***

*The proposed development does not require an EIA as there are no adverse significant effects considered likely provided that mitigation measures with respect to turtles are secured by Planning conditions and implemented. Visual impact and daylight, sunlight and*

*overshadowing should be considered further by the CPA. The proposed development has included embedded mitigation to reduce the environmental impact of the development. The proposed development has included some climate change resilience features, including a small amount of renewable energy. There are minor effects from noise and vibration, particularly during construction, and likely more significant cultural and social effects from the potential cumulative effects from development that should be considered and addressed by the CPA.*

*Given the increased setbacks over the existing development, there are likely to be beneficial effects on ecology **provided the following Planning conditions are secured and adequately implemented:***

- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.*

*In the absence of these conditions, the proposed development would severely adversely impact sea turtles (a protected species under the NCA) through directly and indirectly increasing their mortality.*

*We also strongly recommend:*

- A high-level assessment of visual impact on the receptors in the units of both the Silver Sands and The Palms*
- An assessment of daylight/sunlight/overshadowing for the neighbouring properties.*

*After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1).*

## **OBJECTIONS**

*See Appendix B*

## **APPLICANTS LETTER**

*Over thirty-five years ago, I received approval to construct 21 condominium apartments on the above Seven Mile Beach property. Mr. Jimmy Powell of Cayman Contractors and myself*

*completed the project and I continue to develop responsible, successful projects along the beach to this day.*

*In 2019, I was approached by the current owners of Aqua Bay Club, many of whom were original owners, to investigate rebuilding Aqua Bay Club. The owners, like many on Seven Mile Beach, were at a crossroads whereby the costs of constant repairs, evidence of concrete spelling, dated building design and lack of amenities to attract tourists motivated and to look to other options.*

*Our financial modeling at the time concluded that with adding an additional 17 apartments a rebuild and replacement was viable. At this point we commenced with detailed site investigation and architectural drawings.*

*Today we have applied to construct 38 condominium apartments (the original 21 plus 17 additional). We have carefully observed regulations for beachfront, side-yard and road setbacks and building height. The existing swimming pool will be removed to create a far greater sand foreshore and thereby increase turtle nesting habitat the project name will be changed to just Aqua Bay.*

*Additional land across the road will be utilized for parking per regulations and will remove the unsightly aspect of garbage containers on the beachfront site.*

*In our redevelopment modeling studies of properties along Seven Mile Beach. it has become apparent that although the Development and Planning Regulations now allow for ten storey buildings, in nearly all cases the existing regulation related to density is imbalanced and prohibits the financial viability of redevelopment. A look back in history on this aspect shows that for decades the three storey limit allowed a density of 20 apartments per acre, the heights were then raised to seven storeys and density was increased to 25 apartments per acre, the heights were then raised to ten storeys but the density was not changed. The reasoning for this is unclear.*

*We respectfully ask for a variation in density from the current allowed by way of site size being 34.5 Apartments to 38 apartments for the following reasons:*

- 1) The characteristics of the proposed development are consistent la the character of the surrounding area.*
- 2) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent properties, to the neighborhood, or to the public welfare*
- 3) This variance does not impact setbacks or building height regulations.*

*An additional factor, as shown in our application plans, is that the parcel of land across West Bay Rd, owned by Aqua Bay Club, is included in our application. That parcel is .2559 of an acre.*

*Adding that land area to the land area on the beach side does support the current density regulation of 25 apartments per acre although since it is not contiguous a variation is needed.*

*We believe therefore that our request for a variation is reasonable.*

*Our reputation for building quality developments on Seven Mile Beach speaks for itself and if approved, this project would both create development revenue in excess of \$10 million for the government and excellent employment opportunities for our community. Additionally,*

*refreshing our tourism accommodation product will create increased tourism tax recurrent revenue along with sustainable employment.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on West Bay Road and is presently the site of apartments and a pool.

The proposal is to demolish the existing 21 apartments and pool and construct a 10 storey building with 38 units, including new pool, on Block 5D Parcel 4. There is also proposed to be parking for 63 vehicles.

It is noted that there would also be development proposed on Block 5C Parcel 234 which is located across West Bay Road; specifically parking for 18 vehicles, two solid waste bins, a generator, and a transformer.

### **Zoning**

Both properties are zoned Hotel/Tourism.

### **Specific Issues**

#### **1) National Conservation Act (NCA)**

Section 41(3) of the NCA states:

*Every entity shall, in accordance with any guidance notes issued by the Council, consult with the Council and take into account any views of the Council before taking any action including the grant of any permit or licence and the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect on the environment generally or on any natural resource.*

Per a recent Court of Appeal ruling, the Authority must consider whether approval of the subject application for planning permission would or would likely have an adverse effect on the environment generally or on any natural resource. Should the Authority determine that there will be an adverse effect, then the National Conservation Council must be consulted for its views on the application per Section 41(3) of the NCA. Should the Authority determine there will be no adverse effect, then the Authority can proceed to consider the application.

#### **2) Number of Apartments**

Regulation 10(1)(b) states that the maximum number of apartments or townhouses is 25 per acre.

The seaside portion of the development (5D 4) consists of 1.41 acres, which translates into a maximum 35 apartment units.

If the landside parcel (5C 234) is combined, if this is technically possible, then the number of apartments permitted increases to a maximum 41.

The proposal is for 38 apartments and the applicant has submitted a variance letter.



The Authority should consider whether a variance is warranted in this instance.

### **3) Height of building**

Regulation 8(2)(e)(i) states that in Hotel/Tourism zone 1, the maximum permitted height is one hundred and thirty feet or ten storeys, whichever is less.

Regulation 2 defines “height of building” as the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point; and for the purposes of this definition, “finished grade” means the highest grade within five feet of the building and includes natural grade when no terrain alteration is proposed.

Regulation 2 also defines “storey” and this means that portion of a building included between the surface of any floor and the surface of the floor next above or if there be no floor above it, then the space between such floor and the ceiling next above it.

With respect to the proposed building, the proposed parking garage constitutes a storey and the result is an eleven-storey building that would not satisfy Regulation 8(2)(e)(i). The Authority has no discretion to allow more than 10 storeys. Further, it is noted that there are two levels of rooftop structures which have not been included as storeys per the exemptions listed in Regulation 8(4).

The Authority should discuss the height of the building, specifically the number of storeys proposed.

### **4) HWM setbacks**

The pool and parking garage comply with the required 130’ setback from the high water mark. The remaining storeys all comply with the required 190’ setback from the high water mark.

### **5) Off-site parking**

Regulation 8(1)(c) allows up to 50% of the required parking spaces in the H/T zone to be located not more than 500’ from the respective building. In this instance, 57 parking spaces are required and 63 spaces have been provided. Of those 63 spaces, 45 are on site in the parking garage and 18 spaces (or 31.5% of the total required) are located off-site on 5C 234.

## **2.5 JOSEPH MARZOUCA (TAG) Block 21E Parcel 149 (P22-0908) (P22-0909) (\$2.5 million) (NP)**

Application for 12 townhouses, 13 land strata lot subdivision, cabana, pool, clubhouse, wall and sign.

**Appearance at 2:00**

### **FACTS**

*Location*

South Sound Road in George Town

*Zoning*

**Low Density Residential**

*Notification Results*

Objections

<i>Parcel size</i>	43,560 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Townhouses and ancillary buildings
<i>Building Footprint</i>	11,152 square feet
<i>Building Area</i>	32,268 square feet
<i>Site coverage Permitted</i>	30%
<i>Site coverage Proposed</i>	25.6%
<i>Units Permitted</i>	15
<i>Units Proposed</i>	12
<i>Bedrooms Permitted</i>	24
<i>Bedrooms Proposed</i>	24
<i>Parking Required</i>	18
<i>Parking Proposed</i>	32

### **BACKGROUND**

June 19, 2019 (CPA/12/19; Item 2.4) – The Authority resolved to refuse planning permission for a 15 raw land strata subdivision, 14 townhouses, two 500 gallon LPG tanks, cabana, sign, wall and pool (P19-0320) for the following reasons:

1. The applicant failed to demonstrate that the site is a suitable location for apartments per Regulation 9(8) of the Development and Planning Regulations.
2. The site plan shows a portion of 21E Parcel 137 as if it were part of the development site, but there is no application before the Authority to subdivide and combine that portion of land with 21E 149. As such, proposed Building #2 does not comply with the required rear setback from the boundary of Parcel 149 per Regulation 9(8)(i) and the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to allow the lesser setback per Regulation 8(13)(b).

This decision was appealed and the Planning Appeals Tribunal dismissed the appeal on October 14, 2020 with the following conclusions:

### **CONCLUSIONS**

- 33 *The Appellant did not make an application to vary the setback requirements for this project.*
- 34 *The Appellant did not make an application to subdivide the two relevant parcels in order to combine them which would have provided adequate rear setback.*
- 35 *The offer to move the buildings in order to provide adequate rear setback was made verbally in the hearing of the Application. The concept of relocating the buildings would have required a new notice which did not take place.*
- 36 *The Authority was entitled to determine that this project in this location was not suitable.*

*The Law and in particular s.15(1) gives the Authority complete discretion to grant or refuse planning permission. The Authority after hearing from the Objectors, the Applicant and considering the relevant departments views determined to exercise its discretion in refusing the application.*

- 37 *The Development Plan states that planning applications or dwelling units on land zoned for other forms of development will be considered on their merits having regard to the effect they would have on the character of such other area. The Authority was entitled to consider this application based on its merits and determined that the effect this project would have on the character of the area was not appropriate.*
- 38 *This Tribunal is mindful of the words of Sanderson, J. in Cortina (supra) when dealing with the discretion of the Authority. The learned Judge was clear in stating that:*

*“....the Authority did not base its decision on the ground that this site was not suitable for apartments. It concluded that this proposed development was not suitable for this site in all the circumstances. That is, even if the Authority had made a determination that a site was suitable*

*for apartments, is it still permissible for the Authority to exercise a discretion if a particular proposal is acceptable.”*

*“The important legislation to consider is s.12 of the Development and Planning Law (1995 Revision, which has not been amended. [Tribunal: now s.15(1) of the 2017 Law]. It confers upon the Authority, in clear terms, the discretion to grant or refuse permission to develop land. S.12(1) [now 15(1)] says “the Authority may grant permission...as it thinks fit or may refuse permission.” Many other sections of this legislation use the word “shall”, demonstrating recognition that the word “may” confers a discretion upon the Authority while the word “shall” does not.”*

*“Section 12 of the Development and Planning Law (1995 Revision) [now section 15 of the 2017 law] makes it clear that the Authority’s decision to grant or refuse permission is discretionary.” (emphasis added)*

*39 This Tribunal does not accept that there was an error in law, a breach of natural justice nor an unreasonable decision. The Applicant was given a full hearing and the Applicant addressed itself to the present application. Given the discretion that the Authority has there could be no error in law when that discretion was exercised by refusing the Application. There was no breach of natural justice given the opportunity the Applicant had to fully address the Authority in the Application.*

*40 The decision was not unreasonable: Wednesbury (supra) and relevant case law*

*41 The decision was not unreasonable by virtue of the fact that the Authority provided no reason other than that expressed in its decision. The Appellant knew precisely why the Application was refused. This Tribunal is of the view that no explanation of why the Project was deemed unsuitable was required as the reasons given stated clearly why the Application had been refused.*

*42 The restrictive covenants attached to the properties in question were of no relevance when it came to considering the planning application: Stringer (supra)*

May 16, 2018 – (CPA/11/18: Item 2.1) - The Authority resolved to refuse planning permission for 16 apartments with 32 bedrooms, two 500 gallon LPG tanks, cabana, sign, wall and pool (P18-0179) for the following reasons:

1. The applicant failed to demonstrate that the site is a suitable location for apartments per Regulation 9(8) of the Development and Planning Regulations.
2. The applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to allow the number of bedrooms proposed as it does not comply with Regulation 9(8)(c) of the Development and Planning Regulations.
3. The applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to allow the deficient setbacks for the LPG tank and sewage treatment plant as they do not comply with Regulations 9(8)(i) and (j) of the Development and Planning Regulations.
4. The site plan shows insufficient turning radii for the driveway, 4' versus the typically required 15', leading to traffic conflicts between vehicles attempting to enter and exit the site and vehicles driving along South Sound Road

**Recommendation:** Discuss planning permission for the following reasons:

- 1) Suitability
- 2) Multi-purpose rooms vs bedrooms
- 3) Concerns of the Objectors

### **AGENCY COMMENTS**

The following comments have been received to date:

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site is located within the South Sound mangrove wetland basin. Approximately twothirds of the site consists of seasonally flooded mangrove forest habitat, with the remaining third, closest to South Sound Road, being man-modified with regrowth of other vegetation.*

*The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. It is an offence*



*to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-MangrovesFINAL.pdf>.*

*Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.*

*Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove 2 sites releases captured carbon into the atmosphere. The removal of mangrove habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.*

*It is important to note that the South Sound mangrove wetland acts as a drainage basin for the surrounding area, and has been extensively fragmented by development in recent years. The DoE is very concerned regarding the ongoing development of the South Sound drainage basin and its implications for flooding in the area and the impact on the mangrove ecosystem. Dating back to the Stormwater Management Committee's report of October 2003, there has been recognition of the important role that wetlands and water storage basins play in retaining flood waters. However, as these wetlands are now being developed planning applications must be accompanied by stormwater management plans to demonstrate that stormwater can be managed on-site and not displaced onto adjoining land causing unacceptable flooding impacts.*

*The DoE, Water Authority and National Roads Authority outlined their concerns regarding the development of the South Sound drainage basin via a Memorandum dated 30 January 2015 (see attached in Appendix 1). The specific recommendation of the Memo was "to issue an RFP to select a suitably qualified consultant to undertake a hydrological assessment of the South Sound drainage basin and devise a regional stormwater management plan, which will include drainage engineering specifications for the proposed*

*road and future development and Best Management Practices to minimise the impacts of stormwater flooding”.*

*The Memo outlined that “rather than continuing with the current practice of requiring each development to deal with stormwater management in isolation, we believe a basin-wide approach to managing stormwater in this location is urgently required”. Several existing developments in the basin become inundated with rainwater during the wet season; most notably Randyke Gardens. Several new residential subdivisions have been granted Central Planning Authority (CPA) approval in recent years, further development without implementing an effective strategy is likely to exacerbate flooding within the area and water quality issues of the receiving waters i.e. the South Sound lagoon.*

*We, therefore, recommend that the application be held in abeyance until a regional stormwater management plan for the South Sound drainage basin is devised. However, if the CPA is minded to grant planning permission for the proposed townhouses, with the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that wetland vegetation is retained where possible to assist with on-site drainage. It is highly recommended to fill only the built footprints of the site and leave the rest of the property at its natural grade to assist with stormwater management and utilizing permeable surfaces where possible.*

*With rising sea levels, drainage wells will become less effective over time. Therefore, in addition, we recommend that the applicant considers incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to assist with drainage and mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channelling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.*

*The DoE also recommends that native vegetation is used where possible. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*Best management practices should also be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy*

generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed modification, we recommend the inclusion of the following conditions in the approval:*

*1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

## **Water Authority Cayman**

*The Water Authority's requirements for the proposed development are as follows:*

### Wastewater Treatment and Disposal

*The developer, or their agent, shall submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water Authority review and approval of the proposed system is a condition for obtaining a Building Permit.*

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,800 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>12 Three Bdrm units</i>	<i>6</i>	<i>300</i>	<i>1,800</i>	<i>3,600</i>
	<i>Den seen as bdrm</i>			
<i>Clubhouse</i>				<i>200</i>
<i>TOTAL</i>				<i>3,800 GPD</i>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6''. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

### Water Supply

*The proposed development site is located within the Water Authority's piped water supply area.*

- The developer shall contact Water Authority's Engineering Services Department at 949-2837 without delay to be advised of the site-specific requirements for connection to the public water supply.*
- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

*The Authority will not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **National Roads Authority**

*As per your memo dated July 25th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### *General Issue*

- Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- The dedicated exit driveway solely for the garbage collection truck should be eliminated as this reduces the length of sidewalk along South Sound Road – a roadway that currently accommodates considerable pedestrian traffic. The operation of garbage collection should be incorporated within one driveway given the 108 feet of road frontage onto a Secondary Arterial road.*
- As per Section 4.6.3 of the Design and Construction Specifications for Subdivision Roads & Property Development, the minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be one-hundred and fifty feet (150') and, two-hundred and thirty feet (230') for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway. Vertical stopping sight visibility shall be a minimum of 200', with an observer height of 3.5' and an object height of 6", for design speeds of 25mph and 30mph.*

#### *Road Capacity Issues*

*The traffic demand to be generated by the above proposed development of 32,268 sq. ft. has been assessed in accordance with ITE Code 230 – Resd. Condo/Townhouse. The anticipated traffic to be added onto South Sound Road is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In 17%</i>	<i>AM Peak Out 83%</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In 67%</i>	<i>PM Peak Out 33%</i>
70	5	1	4	6	4	2

*Based on these estimates, the impact of the proposed development onto South Sound Road is considered to be minimal.*

#### *Access and Traffic Management Issues*

*Two-way driveway aisles shall be a minimum of twenty-two (22) ft wide.*

*A six (6) foot sidewalk shall be constructed on South Sound Road, within the property boundary, to NRA standards.*

*Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.*

#### *Stormwater Management Issues*

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worse than pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto South Sound Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*



- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;*

### **Fire Department**

The Fire Department has not yet approved the drawings. They are awaiting a Fire Well to be shown on the site plan.

### **OBJECTIONS**

Please see Appendix C

### **APPLICANT'S LETTER**

*This is in presentation of the Proposed (12-Unit Townhouse block) for block and parcel 21E/149. This project is a revised version of a previous proposal for the same property that was initially submitted to Planning and was refused on appeal. Below is the background of the project in relation to the new proposal:*

- 1) Block and Parcel 21E/149 is situated in a Low Density Residential Zone neighborhood along South Sound Rd and within Pirate Cove Estates.*
- 2) The project proposes a 12-Unit Apartment Development in a parcel with a maximum capacity of 15 units and 24 bedrooms.*

- 3) *It is in commitment and conformity, being and apartment, to the covenant of the Pirates Cove allowing only dwelling houses, duplexes, apartments, beach cottages and townhouses.*

THE SCHEDULE  
RESTRICTIVE AGREEMENTS RELATING TO  
PARCEL 65 BLOCK 21E IN THE SOUTH SOUND REGISTRATION SECTION  
THE PROPERTY

1. There shall not be erected on the Property any building or buildings other than dwelling houses and/or duplexes and/or apartments and/or beach cottages and/or town houses (all the aforesaid with or without garages and necessary outbuildings) and no such building or buildings as aforesaid shall be otherwise than in accordance with plans elevations and specifications thereof previously approved in writing by the Transferor or its Architect
- 4) *5 parcels away from the subject parcel is Vela, a Townhouse Development that has 168 units and across the road 300 ft away is Pirates Lair that has 19 Condominium Residences including the same type of development within the vicinity.*
- 5) *Adjacent to South Sound Road, the proposed development's main access will be through the said main road and does not directly impact neighboring ancillary roads including the nearby Anne Bonny Cres.*
- 6) *The proposed development is medium scale and does not create major disruptions, especially with regards to the traffic within the neighborhood, that residential houses, duplexes, and others would create.*
- 7) *The main objective of the project is to offer equally convenient, comfortable, economically stable, and efficient housing opportunities within Grand Cayman that should not be limited by exclusivity.*
- 8) *All proposed structures are designed within the bounds of setback and emergency regulations, including proper turning radius.*
- 9) *In general, the new design proposal is compliant with the limitations and restrictions set by Regulations 9(8) per Development and Planning Regulations.*

*In quick review of the history of the parcel and the previous proposal,*

*1) designed with 14 units and 24 bedrooms.*

*2) has variances for setback due to the inclusion of Parcel 137*

*3) refused in CPA and appeals on the grounds of non-compliance to Regulation 9(8), turning radius and suitability.*

*With utmost respect to the Planning Department and the CPA Board, we are hopeful that this project will be reviewed impartially as a new application, that is not subjected to the decisions and conditions of the previous application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on South Sound Road in George Town.

The proposal is for 12 apartments with 24 bedrooms and 12 multipurpose rooms. There would be parking for 24 vehicles.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability for Apartments**

Regulation 9(8) states that apartments are permitted in suitable locations in a Low Density Residential Zone.

The Department has reviewed the GIS mapping for the area and would note that there are apartments 300 feet to the west (Pirates Lair) and 400 feet to the east (Vela) of the subject property.

The Authority should discuss whether the area is suitable for the proposed number of apartments.

#### **2) Proposed multi-purpose rooms**

The floor plans for the ground floor include a multi-purpose room with an attached bathroom.

The Authority should discuss whether this room would be classified as a bedroom or multi-purpose room. If it is classified as a bedroom, the project would be 12 bedrooms over bedroom density and a variance would be required.

#### **2.6 CARY ENGLISH & RALSTON TAYLOR (Craftman's Touch) Block 28C Parcel 476 (P22-0317) (\$2,216,740) (MW)**

Application for 6 apartments and swimming pool

**Appearance at 2:30**

### **FACTS**

<i>Location</i>	Greenall St., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.4410 ac. (19,209.96 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	9,378 sq. ft.
<i>Total building site coverage</i>	26.98%

<i>Allowable units</i>	6.615
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	10.584
<i>Proposed bedrooms</i>	10
<i>Required parking</i>	9
<i>Proposed parking</i>	9

### **BACKGROUND**

March 4, 2015 – Two Bedroom House – the application was considered and it was resolved to grant planning permission.

July 29, 2021 – Three Bedroom House with Attached Double Garage; 3,374.65 sq. ft. – the application was considered and it was resolved to grant planning permission.

June 21, 2023 (CPA/14/23; item 2.7) – the current application was adjourned to invite in the applicant to discuss concerns regarding suitability, lot size and the number of bedrooms.

**Recommendation:** Discuss the application, for the following reasons:

- 1) Suitability
- 2) Lot size (19,209.96 sq. ft. vs. 25,000 sq. ft.)
- 3) Number of bedrooms

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

#### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least 2,250 US gallons for the proposed, based on the following calculations:*

<i><b>BUILDING</b></i>	<i><b>UNITS/BLDG</b></i>	<i><b>GPD/UNIT</b></i>	<i><b>GPD</b></i>
<i>Building 1</i>	<i>1 x 2-Bed Unit</i>	<i>225gpd/2-Bed</i>	<i>225</i>
	<i>2 x 3-Bed Unit</i>	<i>300gpd/3-Bed</i>	<i>600</i>
<i>Building 2</i>	<i>2 x 3-Bed Unit</i>		<i>600</i>
<i><b>TOTAL</b></i>			<i><b>1,425 GPD</b></i>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes*

shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.

- **Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- **To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'11" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

**For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:**

1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.
2. All dimensions and materials shall be provided for any site-built tanks.
3. Manhole extensions are permitted up to a maximum of 24" below finished grade.
4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.
7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

### **Stormwater Management**

This development is located over the **Lower Valley fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of **60ft.** instead of the standard depth of 100ft as required by the NRA.

### **Water Supply**

The proposed development site is located within the Water Authority's piped water supply area.

- The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.
- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.

- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

### **National Roads Authority**

*As per your memo dated January 30th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **General Issue**

*Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*

*Based on the site plan provided there is no indication of a garbage enclosure.*

#### **Road Capacity Issues**

*The traffic demand to be generated by a residential development of two (2) multi-family units has been assessed in accordance with ITE Code 220 - Apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Greenall St. is as follows:*

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
<b>33</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

*Based on these estimates, the impact of the proposed development onto Greenall St. is considered to be minimal.*

#### **Access and Traffic Management Issues**

*Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.*

*A six (6) foot sidewalk shall be constructed on Greenall St., within the property boundary, to NRA standards.*

*Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.*



### ***Stormwater Management Issues***

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Greenall St. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures from the applicant.*

*Should you have any questions, please do not hesitate to contact the undersigned.*

### **Department of Environmental Health**

*This application is approved with the following conditions:*

*Solid Waste Facility:*

- 1. The location of the solid waste facility must be identified on the drawing.*
- 2. This development require 5 (33) gallon bins and an enclosure built to the department's requirements.*
  - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site is man-modified and low ecological value. The site was previously a mangrove wetland, prior to it being cleared and appears to be wet and low lying. The filling of this land will reduce the site's natural capacity to retain storm water. Therefore, it is recommended that a storm water management plan is developed to ensure that storm water runoff is handled on site and does not impact surrounding areas.*

### **Fire Department**

Approved for planning permission 20 Jan 23

### **APPLICANT'S LETTER**

*With respect to our submission for townhouses on block 28C parcel 476 located on Shamrock Road, Bodden Town, Grand Cayman, we herby request a variance as follows:*

- 1. Lot size variance where the present regulation requires 25,000sf and the proposed is 19,151.5*
- 2. Land width variance where the present regulation requires 100ft and the proposed is 82ft*

*In making the application for such a variance, our client is mindful of provisions of Regulation 8(13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:*

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*

- (ii) *The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

*We thank you for your consideration of this matter and look forward to a favourable decision on this application in due course.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 6 unit apartment development; 9,378 sq. ft. with swimming pool located on Greenall St., Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Section (8) states the following development is permitted in a Low Density Residential Zone.

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes & duplexes and vacant parcels within the nearby vicinity.

- 28C 479:- Duplex
- 28C 364:- Duplex
- 28C 318:- Duplex
- 32B 197:- Townhouses

#### **2) Bedroom Density**

Regulations 9(8)(c) states *“the maximum number of apartments is 15 per acre with a maximum of 24 bedrooms”*. The proposed development is proposing a total of 10 bedrooms which is in alignment with the maximum allowed bedrooms on site. The applicant has also proposed a total of 4 dens with bathrooms should the Authority determine the proposed dens can be counted as bedrooms there would be a total of 14 bedrooms which would be a difference of 3.416 bedrooms more than the maximum allowable of 10.584 bedrooms respectively.

#### **3) Lot Size**

Regulation 9(8)(f) of the Development & Planning Regulations (2022 Revision) states *“the minimum lot size for guest houses and apartments is 25,000 sq. ft.”* and Regulations 9(8)(e) states *“the minimum lot size for each duplex is 12,500 sq. ft.”* The proposed development includes 1 building with 3 apartments and 1 duplex, therefore the total required lot size is 37,500 sq. ft. The proposed lot would be approximately 19,209.96 sq. ft. a difference of 18,291 sq. ft.

#### **4) Lot Width**

Regulation 9(8)(g) of the Development & Planning Regulations (2022 Revision) states “*the minimum lot width for apartments is 100’*”. The proposed parcel would be 82’ a difference of 18’ respectively.

#### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

## **2.0 APPLICATIONS** **(Items 2.7 to 2.24)**

### **2.7 CASEY GILL Block 15E Parcel 41 (P23-0662) (\$17,800) (AS)**

Application for a 6' concrete block wall to replace a chain link fence.

#### **FACTS**

<i>Location</i>	Stonewall Dr
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size</i>	.25 AC (10,890 sq. ft.)
<i>Current Use</i>	Residential

#### **BACKGROUND**

NA

**Recommendation:** Discuss the application for the following reasons:

- 1) Existing and proposed road side setback
- 2) Height of wall
- 3) NRA's comments

#### **AGENCY COMMENTS**

##### **National Roads Authority**

##### *General Issues*

*1) Lands and Survey aerial imagery suggests that the existing fence may be encroaching in the road by about four (4) feet.*

*2) Per Regulation 8 (18) of the Development and Planning Regulations (2022 Revision), "Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary."*

*3) Per section 4.6.3 of the Design and Construction Specifications for Subdivision Roads & Property Development, "The minimum stopping sight distance, for horizontal alignment, along residential access roads shall be seventy-five feet (75') as measured between two (2) points on the centre of any lane and 3.5 feet above the carriageway as shown below.*

*The NRA therefore requests that the CPA have the applicant (1) remove the exiting fence as it is encroaching on Stone Wall Drive, and (2) revise the layout of the proposed wall so*

*as to be compliant with Regulation 8 (18) of the Development and Planning Regulations (2022 Revision) and section 4.6.3 of the Design and Construction Specifications for Subdivision Roads & Property Development as shown above.*

## **APPLICANT'S LETTERS**

### **Letter #1**

*Please accept our application to replace an existing chain link fence along our property boundaries with a 6' concrete wall. The fence was erected when our house was built in the 1980s. Due to its age, it is time for it to be replaced. We wish to install a higher solid wall in order to provide us greater privacy from our neighbours who spend a lot of time outdoors and from a driveway that runs along our rear boundary. We wish to maintain the fence's location along Stonewall Drive, as the existing fence was constructed with a concrete base and we don't wish to tear it out. The photos on the following pages show our existing fence along the road as well as the placement of our neighbours fences along Stonewall Drive, all of which have existed for several years.*

(See Appendix D for applicant's photographs)

### **Letter #2**

*As mentioned in their letter, Casey and Yvonne wish to replace their existing chain link fence with a concrete wall and utilize the existing footing. They do not want to set the wall back 4' as is typically required. In their submission, photos are provided showing that all along Stonewall Drive's south boundary, their neighbours also have fences without any roadside setback. They do understand that their request will require CPA consideration and request CPA review the plans as submitted, accompanied by their letter and photographs.*

### **Letter #3**

*Yvonne & Casey reviewed NRA's comments on their application and wish CPA to consider that all the other fences along Stonewall Drive must also lie within the public right-of-way as they have for years, although not encroaching the paved edge.*

*They reiterate they simply wish to install a newer fence in the same location as their existing fence and would appreciate that their application move forward to CPA for consideration as submitted.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 6 ft concrete block wall to replace an existing chain link fence on Stonewall Drive.

### **Zoning**

The property is zoned low density residential.



## **Specific Issues**

### **1) Roadside setback**

Per Regulation 8 (18) of the Development and Planning Regulations (2022 Revision), “Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary.”

The applicant wishes to use the existing roadside footing which appears to be outside of the property boundary into the public road reserve. The applicant has submitted letters and photographs to address this setback issue.

### **2) Height of wall**

The proposed 6’ wall height is not typically supported by the Authority in residential areas, especially along the road side property boundary. The Authority needs to determine of the wall height would be appropriate in this instance.

## **2.8 DELISA GOURZONG (AE Designs) Block 1D Parcel 747 (P23-0560) (\$500,000) (MW)**

Application for 3 apartments.

### **FACTS**

<i>Location</i>	Hillandale Cl., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2913ac. (12,689.028 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	2,995 sq. ft.
<i>Total building site coverage</i>	11.11%
<i>Allowable units</i>	4
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	5
<i>Proposed parking</i>	5

### **BACKGROUND**

NA

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Lot Size (12,689.028 sq. ft. vs. 25,000 sq. ft.)
- 3) ROW width (15'-6" / 24'-0" & 24'-4" vs. 30'-0")

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*

#### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank(s)** with a capacity of at least (1,000) US gallons for the proposed, based on the following calculations:*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Triplex</i>	<i>3</i>	<i>150,225</i>	<i>425</i>	<i>425</i>
<b>TOTAL</b>				<b>425 GPD</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

*For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:*

- 1) *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2) *All dimensions and materials shall be provided for any site-built tanks.*
- 3) *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
- 4) *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
- 5) *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
- 6) *The Water Authorities updated 2020 effluent disposal well specifications.*
- 7) *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

*Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.*

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*
- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

### **National Roads Authority**

*As per your email dated August 8th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### ***General Issues***

*The driveway is so designed so that the right of way granting access to Block 1D parcels 712, 713 and 714 is not being respected. The NRA requests that the CPA have the applicant revise the site plan in order to allow access to these parcels.*

#### ***Road Capacity Issues***

*The traffic demand to be generated by a residential development of three (3) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the ITE for estimating the daily, AM and*

PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added to Hillandale Close is as follows:

<i>Expected Daily Trips</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>

Based on these estimates, the impact of the proposed development on Hillandale Close is considered to be minimal.

### ***Access and Traffic Management Issues***

Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twentyfour (24) feet wide.

One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is **not reduced below the sixteen-foot (16') minimum.**

### ***Stormwater Management Issues***

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Hillandale Close. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (per

NRA specifications available on our website at: <https://www.caymanroads.com/upload/files/4/628e6599be2c9.pdf>) are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures by the applicant.*

### **Department of Environmental Health**

*Solid Waste Facility:*

*1. This development requires three (33) gallon bins and an enclosure built to the department's requirements.*

*a. The enclosure should be located as close to the curb as possible without impeding the flow of traffic.*

*b. The enclosure should be provided with a gate to allow the removal of the bins without having to lift them over the enclosure.*

*DEH has no objections to the proposed in principle.*

### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, we recommend the inclusion of the following condition in the approval:*

- 1) *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

*We also recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

## **Fire Department**

Approved 09 Aug 23

### **APPLICANT'S LETTER**

*On behalf of my Client I am writing to kindly request a variance for lot size requirements for the above-mentioned application.*

*We understand the minimum lot requirement is 25,000 sq.ft. for a project classified as an apartment. However, we have carefully considered the site planning requirements, parking provisions, impact on neighbors, unit sizes, garbage enclosures, and local codes while designing her triplex project. We are confident that granting this variance will not only meet the needs of our development but also align with the overarching goals of the community.*

*In our pursuit to create a well-designed development that harmoniously integrates with the surrounding environment, we have meticulously analyzed the lot size requirements. While adhering to local codes and regulations, we have taken into consideration various site planning factors such as the orientation of the buildings, lot coverage (14%), green spaces, landscaping, and pedestrian walkways. By doing so, we have ensured that the proposed development optimizes the available space without compromising the overall aesthetics and functionality.*

*Regarding parking, we have adequately planned for the required number of parking spaces to cater to the needs of the development. Our design includes sufficient parking facilities that will minimize any potential parking-related issues for both residents and visitors. This proactive approach will contribute to the overall traffic management and enhance the livability of the surrounding area.*

*To minimize the impact on neighboring properties, we have carefully designed the units in a way that ensures privacy and functionality. The proposed units have been adequately sized for the lot, allowing for comfortable living spaces while maintaining a reasonable distance from property boundaries. We are confident that this design approach will*



*mitigate any potential concerns related to overshadowing, overlooking, or loss of privacy for adjacent properties.*

*Furthermore, we have given utmost attention to waste management by providing adequate garbage enclosures within the development. These enclosures will be designed to effectively manage waste disposal and recycling, ensuring a clean and hygienic environment for both residents and tenants.*

*During the design process, we have proactively engaged with the neighbors to address any concerns and objections they may have had. We have held conversations with our neighbors, shared project details, and actively sought feedback to incorporate into our design. We are pleased to inform you that we have received no objections from the neighboring properties. This demonstrates the level of transparency and collaboration we have fostered throughout the planning phase.*

*As responsible professionals, we will ensure that all Architectural and engineering drawings comply with our local building codes and meet all requirements to receive the building permit for this project.*

*In conclusion, we kindly request your favorable consideration of our variance request for minimum lot size requirements. We firmly believe that our design approach, which considers site planning, parking provisions, impact on neighbors, unit sizes, garbage enclosures, absence of objections from neighbors, and commitment to meeting local codes, will result in a development that is not only aesthetically pleasing but also enhances the overall look of the community.*

*Thank you for your time and consideration.*

*We sincerely appreciate your understanding and cooperation in this matter. Please do not hesitate to contact me should you have any questions.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a triplex; 2,995 sq. ft. with lot size variance located on Hillandale Cl., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Section (8) states the following development is permitted in a Low Density Residential Zone.

(d) Detached & semi-detached houses.

(e) Duplexes

(f) In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes & duplexes with vacant parcels within the nearby vicinity.

- 1D 634:- Duplex
- 1D 325:- Duplex
- 1D 76:- 5 Apartments (Approved CPA/14/22; Item 2.13)

## 2) Lot Size

Regulation 9(8)(f) of the Development & Planning Regulations (2022 Revision) states “*the minimum lot size for guest houses and apartments is 25,000 sq. ft.*” The proposed lot would be approximately 12,689.028 sq. ft. a difference of 12,310.972 sq. ft. respectively.

## 3) ROW Widths

The subject parcel is encumbered by several right-of-ways as noted on the land register:

- 6’ pedestrian in favour of 1D 77 and 78
- 30’ vrow in favour of 1D 596 and 597
- 30’ vrow in favour of 1D 75 and 80
- 30’ vrow in favour of 1D 746

Parcels 77 and 78 appear to have mutated to parcel 714 and the site plan does allow for pedestrian access for that parcel.

The site plan does provide for access for parcels 596, 597 and 746, but instead of allowing 30’ access the site plan indicates only 24’ wide access.

Parcels 75 and 80 appear to have mutated to parcels 712 and 713 and while the site plan does provide access for those parcels it is 24’ wide instead of 30’.

## 2.9 ELBERT EUGENE CONNOR (Roland Bodden & Company) Block 66A Parcel 10 (P23-0617) (\$7,000) (NP)

Application for a 2-lot subdivision.

### FACTS

<i>Location</i>	Northern terminus of Junges Road, East End
<i>Zoning</i>	Agricultural/Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	10.0 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 0.5 acres for hotels & apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for hotels & apartments
<i>Proposed lot sizes</i>	9.81 acres & 8,276.4 sq ft
<i>Current use</i>	Vacant

## **BACKGROUND**

NA

**Recommendation:** Discuss planning permission for the following reasons:

- 1) Access
- 2) Size of Lot 2 (8,276.4 sq ft)

## **AGENCY COMMENTS**

Comments have been received from the Department of Environment and the National Roads Authority.

### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site consists of man-modified and primary habitat. Man-modified vegetation is of limited ecological value. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities. Primary habitat was noted in the northern half of the site and consisted of seasonally flooded/semi-deciduous forest, seasonally flooded mangrove forest and woodland, and seasonally flooded grassland.*

*The property is adjacent to the south of the Salina Reserve, a protected area under the National Trust Act.*

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time, especially the area of primary habitat to the north of the site which is adjacent to the Salina Reserve. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including*

*the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*

- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts to this valuable habitat:*

1. *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

### **National Roads Authority**

*The applicant has acknowledged the Boundary Plan 515, gazetted in May 2009 and published in Gazette no. 33 of 2009. Therefore the said plan has no concern to the NRA.*

### **APPLICANT'S LETTER**

*On behalf of our client, Mr. Elbert Eugene Connor, we are kindly requesting a variation on the minimum lot size for Lot 2 of the proposed subdivision application, as it relates to Planning Regulation 8(13).*

*This was the best suitable design for the proposed lot due to the edge of the proposed road that traverses through the subject block and parcel. We are kindly requesting a favorable review into this proposal.*

*Your approval for the variation would be greatly appreciated*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located at the northern terminus of Junges Road in East End.

The property is currently vacant and the proposal is to create two new lots, Lot A to the north of the future road with 9.81 acres of area and Lot 2 to the south with 8,276.4 square feet of area.

### **Zoning**

The property is zoned Agricultural/Residential.

### **Specific Issues**

#### **1) Access**

The subject parcel has a registered 6' pedestrian right-of-way, but no vehicular access. There is a gazetted Boundary Plan (BP 515) that runs across the southern portion of the parcel, but it has not been constructed. The pedestrian access is situated such that it would benefit proposed lot 1, but not lot 2. The subdivision would essentially create two landlocked parcels instead of the one that exists now.

#### **2) Size of Lot 2 (8,276.4)**

Regulation 21 allows two houses per acre while not providing a minimum lot size. Proposed lot 2 would have an area of 8,276.4 square feet and the Authority needs to determine if this lot size is appropriate as it would not even comply with the minimum lot size of 10,000 sq ft in the LDR zone.

The Authority should discuss whether a variance for lot size is warranted in this instance.

#### **2.10 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ)**

Application for an after-the-fact house and storage shed & proposed addition to the atf house.

### **FACTS**

<i>Location</i>	John McLean Drive, East End
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4309 ac. (18,770 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	ATF House & Shed
<i>Proposed building size</i>	637 sq. ft. (425 atf, 127 proposed, 85 shed)
<i>Total building site coverage</i>	3.39%
<i>Required parking</i>	1

## **BACKGROUND**

February 18, 2022 (CE22-0018) - The Department issued an enforcement notice (TY).

**Recommendation:** Discuss the application, for the following reasons:

- 1) Side setback variance (2'-9" vs 10')
- 2) aesthetics

## **AGENCY COMMENTS**

Comments from the Department of Environment (NCC) are noted below.

### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site is predominantly man-modified with primary habitat along the eastern edge of the parcel. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

*We note that the application appears to be partially after-the-fact and partially in response to enforcement action (CE22-0018). Provided that no further land clearing is undertaken, we have minimal environmental concerns with the approval of the application.*

*We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*Best management practices should also be adhered to during construction to reduce impacts on the environment, including impacts to water quality. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*



*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed additions, we recommend the inclusion of the following conditions in the approval:*

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas.*

### **APPLICANT'S LETTER**

*We write on behalf of the applicant, Mr. Anthony Chambers, who is asking the Authority to allow variance in order to retain the location of subject house:*

- A side setback variance - of 8ft 0in. as the subject addition exists at 2ft 0in. from the side property line instead of the required 10ft for a single storey dwelling.*

*We request permission for the proposed development per the drawings provided and humbly give following reasons:*

- 1) Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties notified by register mail. There have been no objections to date.*
- 2) Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*
- 3) The construction consists of a timber-framed floor anchored to reinforced block and concrete piers, a timber siding over framed walls and zinc roofing on timber-framing. Aerial imagery reveals that the house has existed from year 2012. Mr. Chamber has informed that he occupied the property throughout the period since 2010 and to relocate the structure would costly exercise for him.*
- 4) The application complies with all other relevant planning*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The After-the-fact one-bedroom house and storage shed & proposed addition to house is located on John McLean Drive in East End. The applicant is seeking permission for additions to the south (front) portion of the house creating bedroom #2 and a shower to the existing bedroom #1.

#### **Zoning**

The property is zoned Medium Density Residential.

## **Specific Issues**

### **1) Minimum side setbacks**

The applicant is seeking permission for the after-the-fact addition to the house which exist at 2' vs 10' from the right-side boundary, therefore, not meeting regulations 9(7)(j)

### **2) Aesthetics**

The Authority is asked to also consider the aesthetics and to satisfy itself that the design of the development is consistent with the historic architectural traditions of the Islands under regulations 9(1).



**PHOTOS COURTESY OF CE22-0018**

## **2.11 JOSEPH BRADSHAW (Island Drafting Ltd.) Block 13E Parcel 52 (P22-0765) (\$51,300) (EJ)**

Application for an after-the-fact duplex.

### **FACTS**

<i>Location</i>	Watlers Drive, George Town
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.20 ac. (8,712 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	6 Apartments & ATF Duplex
<i>Proposed building size</i>	513 sq. ft.
<i>Total building site coverage</i>	48.33%
<i>Required parking</i>	11
<i>Proposed parking</i>	8

### **BACKGROUND**

1993 – Application for five (5) apartments submitted.

January 21, 2022 (CE22-0009) – The Department issued an enforcement notice.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Lot size (8,712 sq. ft. vs 10,000 sq. ft.)
- 2) Front setback (12'-1" vs 20')
- 3) Side setback (1' 2" vs 10')
- 4) Site coverage (48.33% vs 40%)
- 5) Parking spaces (11 vs 8)

### **APPLICANT'S LETTER**

*We have submitted an After the Fact application on behalf of Joseph Bradshaw Watson on the above-mentioned block and parcel and who is desirous of obtaining consideration/approval for the addition of an added duplex.*

*Notwithstanding regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, nor to the public welfare;*

*And notwithstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.*

*The owners having constructed the proposed duplex changing the position of the front and side of the building which caused an encroachment*

*Setback variance for the front of the building which is required to be 20'-0", (presently the setback shown as 3'-2"), and the side required to be 10'-0" (presently the setback shown as 4'-3") variance is being sought.*

*Having mentioned the above, we would at this time like to request a Setback Variances and the Over Site Coverage Variance to be granted to allow the addition duplex to remain as constructed.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The after-the-fact two-bedroom duplex exists along with the existing six apartments with eleven-bedrooms is located on Walters Road, George Town.

#### **Zoning**

The property is zoned High Density Residential.

## **Specific Issues**

### **1) Lot size variance**

The applicant is seeking a lot size variance as the subject parcel is 8,712 sq. ft. vs 10,000 sq. ft. as each duplex and apartments requires a minimum lots size of 5,000 sq. ft. for the duplex and apartments for a total of 10,000 sq. ft.; therefore, not meeting regulations 9(6)(e) & (ea).

### **2) Front setback variances**

The after-the-fact duplex exists at 12'-1" vs 20' from the front/road boundary thus not meeting regulations 9 (6)(h).

### **3) Side setback variance**

The after-the-fact duplex also exist at 2' vs 10' from the right-side boundary, therefore not meeting regulations 9 (6)(i).

### **4) Site Coverage variance**

With all the existing structures the applicant would have to be granted an over site coverage variance 48.33% vs 40%; therefore, not meeting regulations 9 (6)(g) 40% site coverage.

### **5) Parking**

The applicant proposes a total of 8 parking spaces. 11 parking spaces are required: the ATF duplex requires a total of 2 parking spaces under regulations 8(1)(c)(viii) and 9 spaces are required for the existing six-apartments under 8(1)(c)(vii); therefore, three additional parking spaces are required.

## **2.12 SPG LTD. (GMJ House Plans) Block 53A Parcel 219 (P23-0613) (\$250,000) (NP)**

Application for a house.

### **FACTS**

<i>Location</i>	North Side Road in North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size</i>	23,958 square feet
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	House

### **BACKGROUND**

NA

**Recommendation:** Discuss the application, for the following reason:

- 1) HWM setback (44'4" vs 75')

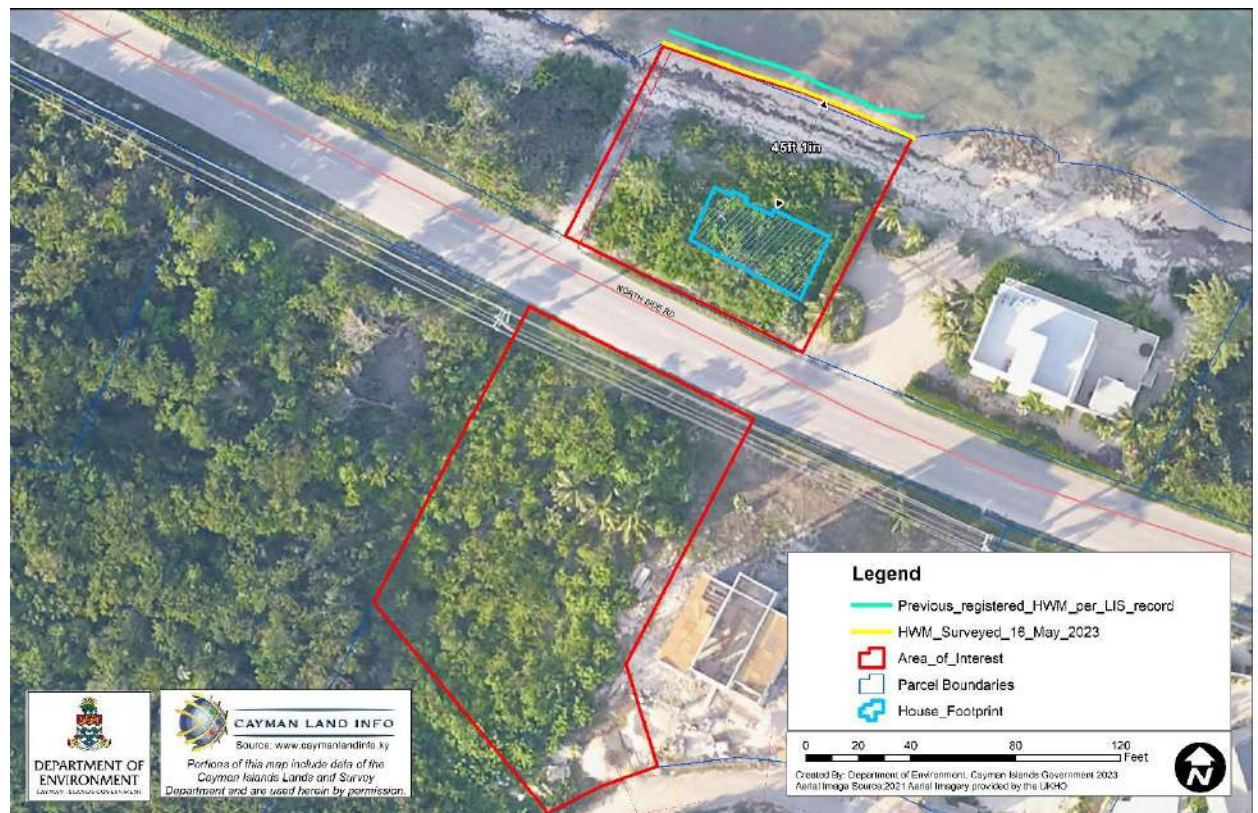
### **AGENCY COMMENTS**

Comments have been received from the Department of Environment.

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site is predominantly man-modified with secondary growth and is on the portion of the parcel that is seaward of the road as shown in Figure 1. The application site is not adjacent to a Marine Protected Area.*



*Figure 1: Aerial Imagery showing the application site outlined in red and the proposed house footprint outlined in blue. (Imagery Source: UKHO, 2021)*

*It is noted from a recent site visit that part of the application site (the area north/seaward of the road) has already been cleared (see Figure 2). Therefore, the opportunity to retain beachside vegetation has been removed. Coastal vegetation plays an important part in maintaining the beach's integrity by stabilizing the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion and general erosion.*





*Figure 2a&b: Photos showing the application site cleared. (Source: DOE, 4 August 2023)*

*We note from the submitted site plan (Sheet # A100) that the proposed development does not meet the 75-foot setback for a beach coastline as prescribed in the Development and Planning Regulations. The plans also depict two high water mark surveys, one that was surveyed on 16 May 2023 and the other labeled “Coastline per LIS records”. The position of the “coastline per LIS records” when compared to the May 2023 surveyed high water mark shows that this coastline has eroded, emphasizing our concerns about the impact of climate change. The climate change predictions for the region include sea-level rise, increased intensity of storm events (including storm surge). Combined with inappropriately sited developments, there may be an increase in the prevalence of coastal erosion. Inappropriately sited development reduces a beach’s potential to recover after major events as it often removes sand reserves from the beach ridge that are critical for sediment supply during periods of storm activity and erosion. Therefore, setbacks seek to enhance the resilience of properties against the effects of climate change, such as coastal flooding and erosion, by ensuring that hard structures are not located in areas susceptible to these hazards. In this case, the applicant currently has the opportunity to build in a more sustainable and climate-resilient manner, future-proofing their proposed development by moving the main house to the portion of the parcel that is landward of the road. We recommend that the applicant reconsiders their design and locates the house on the landward portion of their parcel.*

*Best management practices should be adhered to during construction to reduce impacts on the environment. Materials should be stockpiled away from the water edge to avoid run-off into the marine environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*



*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:*

*1. Any beach-quality sand excavated during construction shall be retained on-site and placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move sand off-site, it should be the subject of a separate consultation with the Planning Department and National Conservation Council.*

*2. If the construction uses insulating concrete forms (ICF) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

*We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

#### **APPLICANT'S LETTER**

*We write on behalf of our client, Mr. Tommy Sofield, with regards to the planning application, P23-0613, for a proposed two-bedroom house with a reduced high water mark setback.*

*We are asking the Authority to allow the proposed pool to be constructed with a rear setback of 44'4" instead of the required 50' from the High-Water Mark per survey provided.*

*We humbly offer the following reasons:*

*1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified and there have been no objections to date;*

*2. Per Section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*

*3. There are existing developments on adjacent properties along North Side Rd with similar setbacks from the high-water mark. Therefore, the setback proposed would be consistent with the established character of the area and it will not affect the ability of adjacent land owners from enjoying their properties.*

*4. as noticed on the mapping systems available. Also note that the rear wall of the proposed house would be farther away from the coastline than the adjacent home.*

*The house has been proposed in the most suitable area on this parcel. This build location respects existing the shoreline, contours and levels of the existing conditions particularly in consideration of occasional storms and the property's topography.*

*6. The geology of the land is suitable for the proposed use and method of construction. Any existing coastal vegetation will be preserved and the shoreline to remain untouched.*

*7. The structural design of the proposed house will feature a flow-through foundation due to the proximity of the structure from the coastline.*

*8. The proposed design ensures that the existing tropical aesthetic and scenic views in the immediate surroundings will not be diminished.*

*9. The application complies with all other relevant planning requirements.*

*We ask the Authority to consider all of the above points and look forward to your favorable response to this variance request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on North Side Road in North Side.

The property is presently vacant and the application is for a house.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) HWM Setback (44'4" vs 75')**

Regulation 8(10)(b) states that in areas where the shoreline is beach or mangrove, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of seventy-five feet from the high water mark.

In this instance the proposed house is setback 44'4" from the highwater mark.

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this situation.

#### **2.13 HOPETON JOHNSTON (Platinum Crew) Block 4E Parcel 781 (P23-0319) (\$165,000) (NP)**

Application for a house addition to create a duplex.

### **FACTS**

<i>Location</i>	Papaya Close in West Bay
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size existing</i>	7,183 sq. ft.

Parcel size required	5,000 sq. ft.
Current use	House

### **BACKGROUND**

Existing house approved in 2015

**Recommendation:** Discuss the application, for the following reasons:

- 1) Front setback (11'3" vs 20')
- 2) Parking functionality

### **APPLICANT'S LETTER**

*I am requesting a variance for the above address to seek relief of the acquire front setback. For the reasons below. The proposed reduction of the front yard setback will allow me the owner to install a front porch which is built 11'-3" away from the setback that will be in contact of the surrounding homes along the street.*

- (1). The strict application of the requirements of this zoning chapter would deprive the property owner of rights and privileged currently enjoyed on this site and by other property owners in the same zoning district. I am requesting a reduction in the required setback to 11'-3" the porch footprint to remain as is currently.*
- (2). Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.*
- (3). The granting of the variance will have no effect on my adjoining properties. This zoning relief requested will not cause any detriment to the common good. As the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner not just a casual/discretionary inconvenience to the property owner.*
- (4). The requested variance would be consistent with the spirit and purpose of this chapter and the district of westbay as this extended front porch being built will blend with the new homes in the neighbourhood and will be well within the spirit of the street and community.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject parcel is located on Papaya Close in West Bay.

The property contains an existing 968 square foot house and the owners are proposing to add an 863 square foot addition to create a duplex.

## **Zoning**

The property is zoned High Density Residential.

## **Specific Issues**

### **1) Proposed Front Setback (11'3" vs 20')**

Regulation 9(6)(h) requires a minimum front setback of 20 feet.

The proposal is for a setback of 11'3" to the road. In this instance the proposed deficient setback is located on a turnaround and there is no through traffic.

The applicant has submitted a variance letter and the Authority should consider whether a variance is warranted in this instance.

### **2) Parking functionality**

The applicant proposes a total of three parking spaces for the duplex. Two of the spaces are situated between the new unit and the road side boundary and there is very little room to manoeuvre into and out of the spaces from the adjacent road.

## **2.14 PATRICIA JACKSON (Envision Design Associates) Block 20D Parcel 320 (P23-0263) (\$92,565) (EJ)**

Application for additions to a house.

## **FACTS**

<i>Location</i>	Palm Dale Avenue & Nevard Close, George Town
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.28 ac. (12,196 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	561 sq. ft.
<i>Total building site coverage</i>	26.07%

## **BACKGROUND**

January 25, 2006 – permission granted for a three (3) bedroom house.

**Recommendation:** Discuss the application, **for the following reason:**

- 1) rear setback (13'3" vs 20')

## **APPLICANT'S LETTER**

*Please accept this letter as a request for a variance for the above-mentioned residence. This property is located in the Palm Dale area of the George Town District, in a Medium Density residential area. The surrounding areas are residential properties.*

*The above-mentioned owner is requesting a variance for 561 square foot addition to her residence which would exceed of the setback requirements. This is mostly due to the irregular shape and surrounding ROWs of the property.*

*This lot is a size of 9,939 square feet. With the requested addition to her house as mentioned the coverage area would be 26%. This proposal meets the requirements of allowable coverage area of 30%. However, the setback requirements have been met with these structures, hence the need for a request for a setback variance.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed two-bedroom and bathroom addition to house is located on Palm Dale Avenue & Nevard Close.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Minimum front setback**

A portion of the proposed additions are setback 13.3' vs 20' from Nevard Close, therefore not meeting regulations 9 (7)(i); consequently, the applicant is seeking a setback variance from the Authority.

#### **2.15 BRUCE WATLER (GMJ Home Plans) Block 32C Parcel 63 (P23-0659) (\$56,000) (NP)**

Application for an after-the-fact house.

### **FACTS**

<i>Location</i>	Trumbach Drive in Lower Valley
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	2.9 acres
<i>Current use</i>	After the fact house

### **BACKGROUND**

NA

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Aesthetics of shipping container
- 2) The after the fact nature of the application

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Trumbach Drive in Lower Valley.

The property contains an after the fact container house (320 square feet).

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Aesthetics of shipping container**

The Authority should determine if the aesthetics of the shipping container house are acceptable in this instance.

#### **2.16 CAYMAN ENGINEERING LTD (AMR Consulting Engineers) Block 6D Parcel 63 (P23-0642) (\$600,000) (NP)**

Application to replace a seawall.

### **FACTS**

<i>Location</i>	South Church Street in George Town
<i>Zoning</i>	<b>Heavy Industrial &amp; Beach Resort Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	3.6 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Oil Tank Farm & Accessory Structures
<i>Building Footprint</i>	5,024 sq. ft.

### **BACKGROUND**

Existing fuel tank complex

**Recommendation:** Discuss the application for the following reason:

- 1) HWM setback (32'1" vs 50')
- 2) Height of Seawall (11.7 feet)
- 3) DOE comments

### **AGENCY COMMENTS**

Comments received to date are noted below.

## Department of Environment

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)). Construction-related debris and sediment must not enter the marine environment. Poor construction management practices can degrade the environment by:*

- *Movement of sediments and pollutant-laden runoff such as concrete slurry which can enter the marine environment through natural fissures in the ironshore;*
- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

*Best management practices should be adhered to during construction to reduce impacts on the environment. These adverse impacts to a Marine Protected Area have been identified based on repeated observed incidents where conditions were not included to prevent/mitigate the effects. Both the DoE and the Department of Planning have received numerous complaints from members of the public who have been adversely affected directly or who have noted the adverse effects on the marine environment from poor construction management practices.*

### *Polystyrene Impacts on the Protected Area*

*Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 1-3).*



*Figures 1-3: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy*



*the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.*

#### *Inappropriate Location of Stockpiles*

*Storage of materials too close to the water's edge can result in pollution of the marine environment. The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even temporary or informal stockpiles can be impacted by wave activity and impact the marine environment.*

*Therefore, it is important that construction materials and debris are stored as far away from the water's edge as possible or at least at the minimum coastal setback which is outlined in the Development and Planning Regulations. Not only does this mitigate impacts to the environment, but it also can be considered a public health and safety measure and a cost-saving measure. It would prevent the loss of materials to the marine environment, reduce the likelihood of prosecution for marine offences and/or prevent the cost of cleaning up and restoring the marine environment.*



*Figures 4 and 5. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.*



*Figures 6 and 7. Loose materials and construction debris being stored on the water's edge, and that material entering into the marine environment.*



*Figure 8. Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste*





*Figures 9 and 10. Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment*



*Figure 11. The same site as Figures 9 and 10, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.*



*Figure 12. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.*

*In this instance, given the nature of the project, the Applicant must provide a Construction Environmental Management Plan which outlines how they will prevent adverse effects on the Marine Protected Area. Measures could include using sandbags to reduce run-off and stockpiling materials away from the water's edge.*

#### **Section 41(4) Considerations**

*The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.*

*Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:*

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

*In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project are appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.*

#### **Appendix 1 – Draft Directed Conditions**

*The following contains an indication of the DoE's section 41(5) response on behalf of the NCC and a draft of the Directed Conditions which will be required to form part of the approval for this project following application under section 41(4) of the NCA.*

- 1) *The Applicant shall prepare a Construction Environmental Management Plan for review and approval by the Department of Environment on behalf of the National Conservation Council. Written confirmation of the approval must be received by the Planning Department prior to the issuance of a Building Permit.*

*These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.*

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.*

#### **APPLICANT'S LETTER**

*This letter is to formally request your consideration and approval of our plan to realign the terminal's Seaside bund wall which forms a critical part of the Jackson Point Terminal infrastructure. The structural integrity of the existing footprint is deteriorating and in need of upgrading. While it is prudent to construct a new wall on the seafront, we wish to extend the wall further seaward, towards the shoreline in which, when executed would:*



1. *Enclose the receiving manifold within the property as per two drawings attached. This manifold is instrumental to receiving Jet A1, Diesel and Gasoline product at both Sol' and Rubis' Jackson Point Marine Terminals.*

A. *The existing manifold is exposed to the public and is easily accessible for the likelihood of sabotage or terrorist attack.*

B. *This asset is critical to bring fuel to our shore and to supply power generation fuel to CUC at a heavy maintenance cost given it is steel and is exposed to the direct sea water elements. Enclosing this asset with the seaside bund wall realignment would aid in reducing maintenance costs and minimize the risk of premature failure.*

C. *The receiving manifold, given its exposure to the direct elements of the environment and sea, runs the risk of premature failure. If this occurs, there would be a significant environmental impact to the land, sea, and sensitive areas. Neighboring Vol's property at the Riviera seafront, approximately 300ft away is a coral aquaculture whiCh is at risk during an environmental impact.*

*Enclosing this asset within the seaside bund wall realignment would allow for 100% containment within the bund area which includes the bulk storage tanks and eliminates the possibility of an environmental impact.*

2. *Minimize hazards to the public who access the limestone for daily exercise.*

3. *Reduce security risk at the bulk storage facility in which is a high risk, classified zone.*

4. *Protect the existing assets at the bulk storage facility and help minimize direct sea blast.*

*As shown on the submitted C01 Site Plan drawing a setback variance will be required for approximately 92'-10" length of northern section of the proposed seaside bund wall realignment. A variance is required as this section does not meet the 50ft. setback requirement from the Ironshore shoreline High Water Mark. It is important to note that approximately 50'-0" of the existing northern bund wall section does not meet the 50ft. setback requirement from the Ironshore shoreline High Water Mark.*

*Given that this bulk storage facility is a critical infrastructure we are requesting to have this planning submission considered for expedited review and approval.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in George Town on South Church Street.

The proposal is for a seawall replacement at the existing Sol tank farm. The proposed seawall would be 15.2 feet above the mean sea level and 11.7 feet above the ironshore. At its closest, the proposed seawall would be situated 32'1" from the ironshore.

### **Zoning**

The property is zoned Heavy Industrial and Beach Resort Residential.

## **Specific Issues**

### **1) HWM setback (32'1" vs 50')**

Regulation 10(c) states that in areas where the shoreline is ironshore, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of fifty feet from the high water mark.

In this instance the seawall would be situated 32'1" at its nearest point to the ironshore high water mark.

The applicant has submitted a variance letter and the Authority should discuss whether it is appropriate in this instance.

### **2) Height of Wall**

The proposed seawall would be 15.2 feet above the mean sea level and 11.7 feet above the ironshore.

The Authority should discuss the proposed height of the seawall.

## **2.17 ISLAND FORTUNA DEVELOPMENT LIMITED. (Abernethy & Associates) Block 38B Parcel 163 (P23-0688) (\$8,098) (MW)**

Application for an 8-lot subdivision (6 residential lots, 1 LPP lot and 1 road parcel)

### **FACTS**

<i>Location</i>	Bristol Heights Dr., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.5 ac. (108,900 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

### **BACKGROUND**

NA

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Lot widths
- 2) LPP lot size (5,055 sq. ft. vs. 5,445 sq. ft.)

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Water Authority**

*Please be advised that the Water Authority's requirements for this development are as follows:*



### **Wastewater Treatment**

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority.*

### **Stormwater Management**

- *This development is located over the (Lower Valley) fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a depth of 60 ft instead of the standard depth of 100ft as required by the NRA.*

### **Water Supply**

*The proposed development site is located within the Water Authority's piped water supply area.*

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

***The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.***

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

### **National Roads Authority**

*As per your memo dated September 6th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **Stormwater Management Issues**

*A comprehensive drainage plan needs to be provided by the applicant for the entire project.*

*The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for*

*one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site.*

### ***Infrastructure Issues***

*The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of Bristol Heights Drive.*

*A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.*

*The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.*

*The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

*All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.*

*Should you have any questions, please do not hesitate to contact the undersigned.*

### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site consists of ecologically valuable dry shrubland, though it has been impacted by edge effects from the surrounding man-modified areas.*

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*Native vegetation can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including*

*the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*

- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following condition in any planning permission to minimise impacts to this valuable habitat:*

1. *There shall be no land clearing, excavation, filling or development of the resultant residential parcels without planning permission for such works being granted.*

## **Fire Department**

*The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.*

## **APPLICANT'S LETTER**

*Enclosed please find the relevant documents relating to the proposed subdivision. Due to the short road and cul-de-sac, all lots are within the radius of the turn around creating less than required entrances of 80' for lots 2, 3, 4, and 5. All lots have ample access to the cul-de-sac and buildable area. We are asking for a variance on the lot width under the Planning Regulation 8(13) (b) (iii) to accommodate this. We are also asking for a variance on lot 7 for the width and area under the Planning Regulation 8(13) (b) (iii) because it is the LPP lot and is 5% of the development as required.*

*Please do not hesitate to contact me if you have any questions or require additional information.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a (8) Lot Subdivision ((6) residential lots, (1) LPP Lot, (1) road parcel) to be located on Bristol Heights Dr., Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot Width**

Regulation 9(8)(g) states *“the minimum lot width for detached and semi-detached houses and duplexes is 80 feet.”* The proposed width of Lot 2 (30.0’), Lot 3 (52.6’), Lot 4 (24.4’), Lot 5 (41.2’) & Lot 7 (63.9’) fall short of the minimum requirement. It is suggested that the lot widths could be increased through a change in the design of the subdivision. The current design includes a cul-de-sac which has resulted in the deficient lot widths. If the cul-de-sac was eliminated and replaced with a straight road with a half hammerhead, the resultant lots would be more uniform in shape and the lot widths would either comply or be very near compliance.

#### **2) LPP Lot Size**

Regulation 28 (1) states *“according to the size of a subdivision, the Authority may require the applicant to set aside land not exceeding 5% of the gross area of the land being developed, for public purposes, including active and passive recreation and public rights of way.”* The submitted plan shows a designated LPP lot which is approximately 5,055 sq. ft. the minimum required LPP lot size would be 5,445 sq. ft. to cover the required 5%, the proposed would have a difference of 390 sq. ft. respectively.

#### **2.18 DENNIS PASCAL (AE Designs) Block 48C Parcel 166 (P23-0664) (\$175,000) (MW)**

Application for a 2 storey ATF cabana / media room & ATF storage shed.

### **FACTS**

<i>Location</i>	Gardenia Dr., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.29 ac. (12,632.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence with ATF structures
<i>Proposed building size</i>	1,568 sq. ft.
<i>Total building site coverage</i>	18.5%
<i>Required parking</i>	1

## **BACKGROUND**

April 9, 1992 – Proposed house – the application was considered and it was resolved to grant planning permission.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Rear Setback (5'-1" vs. 20'-0")
- 2) Lot size (12,632.4 sq. ft. vs. 20,000 sq. ft.)

## **APPLICANT'S LETTER**

*I am writing to request a variance for the rear setback encroachment regarding a proposed cabana and storage shed on behalf of my client, Mr. Dennis Pascal. It has come to our attention that the construction plans for the structures inadvertently violate the setback regulations outlined in the local building codes.*

*We would like to express our sincere apologies for this oversight. The client was unaware of these specific setback regulations when planning the construction project and was not adequately informed of the requirements during the initial consultation with the contractor. This oversight happened during the covid period. It is important to note that my client has always been committed to complying with all applicable regulations and ensuring that the construction is conducted in accordance with the local codes.*

*We understand the significance of adhering to setback regulations, as they play a crucial role in maintaining the integrity and safety of the surrounding properties and community. However, we humbly request your consideration for granting a variance in this case, considering the following factors:*

- 1. Unfamiliarity with the Regulation: My Client was not aware of the setback regulations pertaining to the proposed cabana and storage shed. They genuinely believed that the intended construction plans were in compliance with the local codes.*
- 2. Absence of Negative Impact: The encroachment does not pose any adverse effects on neighboring properties or impede any public utilities or services. The structures have been designed to ensure minimal impact on the surrounding area and maintain the overall aesthetic appeal.*
- 3. Willingness to Rectify: Upon discovering the setback violation, my Client is fully committed to rectifying the situation promptly and ensuring compliance with all relevant regulations. They have been willing to make all the necessary efforts to hire a professional to complete the necessary plans or undertake mitigation measures as advised by the planning department.*
- 4. Contribution to Community: The proposed cabana and storage shed will enhance the functionality and aesthetics of the property while aligning with the architectural style of*

*the neighborhood. This addition will not only benefit my client but also contribute positively by bringing families together in the community.*

*In light of the aforementioned circumstances, we kindly request that the planning department considers granting the requested variance for the rear setback encroachment. We assure you that Mr. Dennis Pascal has learned from this experience and will diligently comply with all future regulations and guidelines.*

*In connection to this variance letter, please find enclosed the following:*

- *Revised Planning Drawings dated 6-Sept-2023 Rev1*

*Thank you for your time and attention to this matter.*

*We sincerely appreciate your understanding and cooperation in this matter. Please do not hesitate to contact me should you have any questions.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 2 storey ATF cabana / media room; 1,115 sq. ft. & ATF storage shed; 453 sq. ft. to be located off Gardenia Dr., Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear Setback**

Regulation 9(8)(i) states “*the minimum front & rear setbacks are 20’*”. The existing ATF cabana / media room is currently 5’-1” & the existing ATF storage would be 17’-9” from the rear boundary. The ATF structures would have a difference of 14’-11” (ATF cabana/media room) & 2’-3” (ATF storage) respectively.

#### **2) Lot Size**

Although the applicant is applying for an ATF cabana / media room & ATF storage should the board look at the application and deem it to be a potential second dwelling, a total of 20,000 sq. ft. would be required. The Authority should note the existing parcel size is currently only 12,632.4 sq. ft. a difference of 7,367.6 sq. ft.

## **2.19 KYLE & AZANDRA MILLER (New Perspective Design and Construction) Block 32B Parcel 263 (P23-0794) (\$25,000) (MW)**

Application for an ATF carport.

### **FACTS**

<i>Location</i>	Off Lottery Rd., Bodden Town
<i>Zoning</i>	<b>Agricultural Residential</b>
<i>Notification result</i>	No objections

<i>Parcel size proposed</i>	0.3099 ac. (13,499.244 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence with pool & cabana
<i>Proposed building size</i>	600 sq. ft.
<i>Total building site coverage</i>	18.5%
<i>Required parking</i>	1
<i>Proposed parking</i>	3

### **BACKGROUND**

July 2, 2008 – Proposed two bedroom house – the application was considered and it was resolved to grant planning permission.

October 14, 2009 – Modification to left building elevations – the application was considered and it was resolved to grant planning permission.

November 21, 2017 – House addition; 1,055 sq. ft. with pool & cabana – the application was considered and it was resolved to grant planning permission.

**Recommendation:** Discuss the application, **for the following reasons:**

- 1) Roadside Setback (4'-6 ½" vs. 20'-0")

### **APPLICANT'S LETTER**

*We write on behalf of our client the owner of the above-referenced project, who is asking for a front setback variance, which as per Development and Planning Regulations (revision 2022) (8)(i) requires a minimum front & rear setback of 20'. Permission is requested for a variance for the AFT Carport at 4'6" - 4'11" from the front of the property line.*

*We humbly request your consideration for this variance, on the following basis:*

- Under Regulation 8(13)(b)(iii), the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare,*
- As per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there were no objections to the current location of the structure from the rear property line.*
- The application complies with all other relevant planning requirements.*

*Thank you for your time and consideration. We look forward to your favorable response to this variance request and we greatly appreciate your attention to this matter.*

*If you require any further information or have any questions, please do not hesitate to contact us at the above phone number or email address.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an ATF carport; 600 sq. ft. to be located off Lottery Rd., Bodden Town.

### **Zoning**

The property is zoned Agricultural Residential.

### **Specific Issues**

#### **1) Roadside Setback**

Regulation 9(8)(i) states “*the minimum rear setbacks are 20’*”. The existing ATF carport is currently 4’-6 1/2” from the roadside boundary within the existing boundary fence. The ATF carport will have a difference of 15’-5 1/2” respectively.

#### **2.20 JUSTIN SEYMOUR (Justin Seymour) Block 49B Parcel 42 (P23-0447) (\$5,000) (MW)**

Application for land clearing (0.8 ac)

### **FACTS**

<i>Location</i>	Rum Point Dr., North Side
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.8 ac. (34,848 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Vacant

### **BACKGROUND**

NA

**Recommendation:** Discuss the application for the following reason:

- 1) Lack of application for primary development of the site

### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment (NCC) are noted below.

#### **Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The application site consists of predominately primary dry forest and shrubland although historical aerial imagery shows that there has been partial clearing of the site in recent years. This clearing of the site and the associated right of way has taken place without planning permission. The adjacent right of way was subject to an Enforcement Notice in October 2020. Clearing without planning permission removes the opportunity for the DoE to provide meaningful comments and help to minimise the associated negative environmental impacts. On a large scale, this can lead to irreversible loss of biodiversity.*



*Figure 1. 2018 aerial imagery of the site showing undisturbed habitat (Source: LIS, 2018).*



Figure 2. Extent of apparent unpermitted clearing of the site (Aerial Imagery Source: Google, 2023). Also note the visible clearing of the Right of Way on parcel 49B41.

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

At the time of our review, justification for the land clearing has not been included in the application submitted to the DoE for review, therefore, the DoE considers the proposal to be speculative clearing. The DoE does **not** support the speculative clearing of parcels before planning permission for development is granted.

We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Clearing the site prematurely removes the choice to retain native vegetation for use within the future development.

Once planning permission for a development has been received, the DoE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction. Premature clearing removes the value the habitat could provide in the time between the clearing and

*the actual development of the parcel. Retaining vegetation can provide benefits to the property owner and the surrounding area. For example retaining vegetation can:*

- Affect soil development over time by preventing soil erosion and generally contributing to a more productive soil;*
- Provide habitat and food for wildlife;*
- Provide sound and privacy buffers from the road and neighbouring properties/developments;*
- Provide mature vegetation which can enhance landscaping and immediately offer shade;*
- Assist with the management of run-off and drainage; and*
- Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.*

*We also encourage applicants to retain as much native vegetation as possible to incorporate into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

***As there has been no justification submitted for the land clearing, the DoE recommends that the application is refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted. No clearing should take place until planning permission for land clearing, site works or development has been granted and those works are imminent.***

### **APPLICANT'S LETTER**

*I am hereby applying to have my property cleared which is located in North Side Block 49B Parcel 42. The land will be cleared using heavy equipment.*

*I appreciate your consideration in my application.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a land clearing; 0.8 ac. (34,848 sq. ft.) to be located on Rum Point Dr., North Side.

#### **Zoning**

The property is zoned Medium Density Residential.

#### **Specific Issues**

##### **1) Lack of application for primary development of the site**



The Authority has typically discouraged the clearing of land when there is no application to develop the site. Although the applicant has advised the Department that they propose to build a home in the near future, no application has been submitted at this time.

**2.21 JONATHAN RIVARD (Frederick & McCrae) Block 12E Parcel 112 (P23-0580) (\$370,000) (NP)**

Application for a change of use from retail to restaurant.

**FACTS**

<i>Location</i>	Buckingham Square on West Bay Road
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	2.198 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant commercial space
<i>Proposed Use</i>	Deli (restaurant)
<i>Existing parking spaces</i>	99
<i>Required parking spaces</i>	109

**BACKGROUND**

September 13, 2023 (CPA/21/23; Item 2.14) – The Authority resolved to adjourn the application in order to allow the Department to conduct a parking analysis of Buckingham Square.

**Recommendation:** Discuss planning permission for the following reason:

1) Impact on Parking

**AGENCY COMMENTS**

The Authority received and considered comments that have been received from the Water Authority. The Department of Environmental health was circulated the plans, but have not provided comments.

**Water Authority Cayman**

*Please be advised that the Water Authority's requirements for this development are as follows:*

*The existing development is connected to the West Bay Beach Sewerage System (WBBSS).*

- *The developer shall notify the Water Authority's Engineering Department at 949-2837, EXT: 3003 as soon as possible to determine any site-specific requirements regarding*

*the connection; i.e., direct or indirect connection of the addition to the WBBSS. Plans for the connection shall then be submitted to the Engineering Department for approval.*

- *The developer proposes to install a 75 GPM ZURN grease interceptor in addition to a drain tempering valve downstream of the commercial dishwasher to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*
- *The developer shall notify the Water Authority's Customer Service Department at 814-2144 to make application for sewerage service additions.*

Water Supply:

*Please be advised that the proposed development site is located within the Cayman Water Company's (CWC) piped water supply area.*

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*
- *The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is the location of Buckingham Square on West Bay Road.

The application is for a change of use from commercial space (bank) to restaurant (deli) use.

The area of the proposed change of use is 1,840 square feet.

The applicant notified adjacent landowners by Registered Mail and placed two ads in a local newspaper. No objections have been received.

**Zoning**

The property is zoned Neighbourhood Commercial.

**Specific Issue**

**1) Parking**

Buckingham Square is a mixed use development with commercial and restaurant uses on the same property.

The change of use to a deli, which is classified as a restaurant and requires one space for every 200 feet of area, would require a total of 10 spaces.

The former use of the tenant space as a bank would have been assessed at one space for every 300 square feet of area, or 7 spaces.

The Authority should consider whether the change in use should be granted planning permission based upon the parking impact. It is noted that there is no seating on the proposed floor plan and that it will be a take-out business only.

### **SUPPLEMENTARY ANALYSIS**

The Department has analysed the floor plans for the north and south buildings at Buckingham Square. In this regard, it is noted that the north building is two storeys and the south building is three storeys.

Utilizing Regulation 8(1) parking standards, the mixed of uses in the buildings (restaurants, retail, office, and storage) would require a total of 109 parking spaces, including the proposed deli. As noted previously, 99 parking spaces are existing on the site.

The Department would note that the parking calculation includes back of house operations for the restaurants as well as bathroom facilities for all of the uses. In addition, the Authority is reminded that the proposed deli is a take-out use only.

## **2.22 DOCTORS HOSPITAL (Arco) Block 14E Parcel 243, 258, & 249 Rem 1 (P23-0529) (\$5.5 million) (NP)**

Application for a hospital building.

### **FACTS**

<i>Location</i>	corner of Walkers Rd and Middle Rd, George Town
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification</i>	No objectors
<i>Parcel Area</i>	4.417 acres (combined)
<i>Proposed Building Area</i>	9,229 sq ft
<i>Existing Building Area</i>	32,545.13 sq ft
<i>Proposed Parking</i>	154
<i>Required Parking</i>	CPA Discretion

### **BACKGROUND**

Existing hospital

**Recommendation:** Discuss the application for the following reason:

- 1) Combination of the parcels.

### **AGENCY COMMENTS**

The following Agency comments have been received to date.

#### **Fire Department**

The Fire Department has stamped approved the drawings.



### **Water Authority Cayman**

*The developer's agents have submitted a proposal, summarized below, for onsite wastewater treatment and disposal at the above referenced development.*

#### *Wastewater Treatment System:*

<i>BUILDING(S) SERVED</i>	<i>REQUIRED CAPACITY (GPD)</i>	<i>PROPOSED SYSTEM (MAKE &amp; MODEL)</i>	<i>PROPOSED CAPACITY (GPD)</i>
<i>Main (Existing)</i>	<i>3,400</i>	<i>KEE 20HR-2</i>	
<i>Lab (Existing)</i>	<i>0</i>		
<i>Oncology (Proposed)</i>	<i>1,200</i>		
<i>East Wing (Proposed)</i>	<i>3,000</i>		
		<i>ZURN GT</i>	<i>50 gpm</i>
<i>TOTAL:</i>	<i>7,600</i>	<i>TOTAL:</i>	<i>10,300 GPD</i>

#### *Effluent Disposal:*

- The effluent disposal well shall be constructed by a licensed driller in strict accordance with the Authority's standards. Minimum required depth of borehole and grouted casing are site-specific and are obtained by licensed drillers before pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the treatment system must enter the disposal well at a minimum invert level of 4'10" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

The above proposal meets the Water Authority's wastewater specifications.

#### **REQUIRED NOTIFICATIONS:**

*The Developer/ Supplier shall notify the Water Authority at least two business days prior to:*

- 1. Completion of effluent disposal well construction.*
- 2. Excavation to accommodate the treatment system.*
- 3. Placement of pre-built tank(s) / construction of site-built tank(s).*
- 4. Covering the piping to and from the system.*
- 5. All Non-Corrosion/Decay resistant forms used for the pour-in-place slab, shall be removed completely after tank construction.*
- 6. Placing the tank cover slab (this applies to systems installed in site-built or precast concrete tanks).*

7. *All site-built tanks are required to pass a 24-hour water leak test inspected by the Water Authority.*
8. *All site-built tanks are to be solid concrete poured; no block work construction shall be utilized.*
9. *Walls of tanks are to be rendered with ½" thick steel finish sand cement render with all corners rounded.*
10. *Following the water leak test, the tanks are to be sealed using 2 coats of Corotech Coal Tar epoxy Black V157 or equivalent with 12 hour drying time between coats.*

*Request for final inspection for certificate of occupancy shall be submitted via the Planning Department's Online Planning System (OPS). Ensure that the wastewater system has been filled with water (do not use saline groundwater which will cause operational problems) and that adequate power is available to facilitate Water Authority testing of complete system operations and alarms.*

*Note that by review and acceptance of plans, specifications and installation of the wastewater treatment system, the Authority assumes no responsibility for the system's successful operation. The system design is certified to achieve effluent standards of 30mg/L BOD<sub>5</sub> and 30 mg/L TSS, if installed, operated and maintained per manufacturer's guidelines. It is the owner's responsibility to contract for routine O&M service to ensure that effluent standards of 30 mg/L BOD and 30 mg/L TSS are consistently met.*

### **Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time*

### **National Roads Authority**

*As per your email dated September 5th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **Road Capacity Issues**

*The traffic demand to be generated by a hospital of 9,229 square feet has been assessed in accordance with ITE Code 610 – Hospital. Thus, the assumed average trip rates per thousand square feet provided by the ITE for estimating the daily, AM and PM peak hour trips are 13.22, 0.95 and 0.93 respectively. The anticipated traffic to be added to Maple Road is as follows:*

<i><b>Expected Daily Trips</b></i>	<i><b>AM Peak Hour Total Traffic</b></i>	<i><b>AM Peak 63% In</b></i>	<i><b>AM Peak 37% Out</b></i>	<i><b>PM Peak Hour Total Traffic</b></i>	<i><b>PM Peak 38% In</b></i>	<i><b>PM Peak 62% Out</b></i>

122	9	9	6	3	3	6
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*Based on these estimates, the impact of the proposed development on Maple Road is considered to be minimal.*

#### ***Access and Traffic Management Issues***

*Entrance and exit curves shall be no less than fifteen (15) feet in radius. Entrances shall be twenty- four (24) feet wide.*

*A six (6) foot sidewalk shall be constructed on Maple Road within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

*One-way driveway aisles with diagonal parking shall be between twelve (12) to sixteen (16) ft. wide. Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.*

*Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is **not reduced below the sixteen-foot (16') minimum.** **Stormwater Management Issues***

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Maple Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: [https://www.caymanroads.com/upload/files/4/628e65\\_99be2c9.pdf](https://www.caymanroads.com/upload/files/4/628e65_99be2c9.pdf)) are to be*

*networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

- *Sidewalk details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as*

*"any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

*Failure in meeting these requirements will require immediate remedial measures by the applicant.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is for a 9,229 square foot detached oncology building on the east side of the Doctors Hospital properties in George Town.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Parking (154 provided vs 109 required).**

There is no specific requirement for hospital parking in the Regulations. Staff have referred to the Institute of Traffic Engineers (ITE) parking guidebook for a parking estimate. The ITE standards suggest that a suburban hospital should provide 2.5 spaces per 1,000 square feet of building area. This results in a total 109 parking spaces being required for 43,396 square feet of buildings on the properties.

#### **2) Combination of Parcels**

It is noted that the Doctors Hospital company owns three separate parcels. One parcel contains an off-site building and six parking spaces while another contains the entrance feature to the premises.

The Department discussed the combination of parcels with the applicant's agent and was advised that they were not willing to combine the parcels.

The Authority should discuss whether the three parcels should be combined into one parcel. At the very least it would appear prudent to combine the parcel which contains

the entrance/exit (14E 258) with the main parcel where the hospital is situated (14E 249 rem 1).

**2.23 CAYMAN SHORES DEVELOPMENT LTD (Decco Ltd) Block 12D Parcel 95 (P23-0691) (\$7,000,000) (NP)**

Application for a parking lot.

**FACTS**

<i>Location</i>	North of Minerva Drive, Camana Bay
<i>Zoning</i>	General Commercial
<i>Current use</i>	Vacant
<i>Proposed Use</i>	Parking Lot

**Recommendation:** Grant Planning Permission with a condition requiring a revised plan showing a minimum of 7 accessible parking spaces.

**AGENCY COMMENTS**

Comments were received from the DOE and NRA.

**Department of Environment**

*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

*The site is man-modified and of limited ecological value. Although located adjacent to the canal and in close proximity to the marine environment, the DoE considers that the surrounding ring road and mangrove fringe will help to mitigate the impact of hydrocarbon run-off.*

*We highly recommend that the applicant considers the incorporation of sustainable design features to help mitigate some of the environmental impacts associated with traditional single-level parking lots. Integration of renewable energy sources such as solar panels over the parking should be considered to help offset the additional cooling demand resulting from the additional paved area, as well as improve the utilisation of the land by adding other beneficial functions (e.g. renewable electricity, shading, etc.).*

**National Roads Authority**

*As per your memo dated September 11th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA has no issues or concerns regarding the proposed addition of 276 car spaces to Phase 2A parking lot.*

## **APPLICANTS LETTER**

*Please accept the enclosed application to expand the Camana Bay Phase 2A parking area with 276 additional spaces.*

*This application comes ahead of a planning application for a second 10-storey commercial office building (90 Nexus) on Block 7, adjacent to 60 Nexus Way, that will be submitted to the Department of Planning within the next few weeks.*

*Construction operations for the proposed office building will be sited immediately west of the building's footprint, temporarily displacing 167 parking spaces and permanently removing 14 spaces. This application requests to relocate the displaced parking to Phase 2A while 90 Nexus construction is underway.*

*We trust we have provided sufficient information in order to consider this application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is to add 276 parking spaces while construction takes place on a new office building at 90 Nexus Way, Camana Bay. Parking is proposed to be relocated to the subject additional parking area while a portion of the existing parking lot for 60 Nexus Way is used for construction staging activities.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Accessible parking spaces**

The application is for 276 parking spaces, but no accessible space have been identified. Per Code, 7 accessible spaces should be provided. To address this issue, a condition of approval could be included requiring a revised site plans showing at least 7 accessible spaces.

#### **2.24 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 12D Parcel 95 (P23-0692) (\$15,000) (NP)**

Application for two signs.

### **FACTS**

<i>Location</i>	Nexus Way
<i>Zoning</i>	General Commercial
<i>Proposed use</i>	Monument Signs
<i>Sign Area</i>	Two at 33.9 sq ft

**Recommendation:** Grant Planning Permission

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed monument signs would be located in the vicinity of the two lobbies for the 60 Nexus Way commercial building that is nearing completion.

The size of the proposed signs are 33.9 feet each (two sided) and would be used to advise which tenants are in the building.

#### **Zoning**

The property is zoned General Commercial.

### **3.0 PLANNING APPEAL MATTERS**

### **4.0 MATTERS FROM THE DIRECTOR OF PLANNING**

### **5.0 CPA MEMBERS INFORMATION/DISCUSSION**

## Appendix A



**LOGIC SUBMISSIONS IN  
RESPONSE TO OBJECTION  
RAISED TO NOTICE OF  
APPLICATION FOR PLANNING  
PERMISSION – PARCEL  
49A25REM1**

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### **Introduction**

Westel Limited ( t/a Logic Communications ( Cayman) Limited )( hereinafter referred to interchangeably as ' Logic') takes the opportunity given by the Cayman Islands Central Planning Authority Board to respond to the objection lodged by Mr. Carlos A. Whittaker regarding the Notice of Application for Panning Permission pertaining to Block and Parcel 49A25REM1.

Logic will address some issues and reserves the right not to comment at this time on all issues and states categorically that Logic's decision not to respond to any issue raised by the Cayman Islands Central Planning Authority Board wholly or in part does not necessarily represent agreement in whole or in part with the Authority's position, nor does any position taken by Logic in this document mean a waiver of any sort of Logic's rights in any way. Logic expressly reserves all its rights.

Any questions or remarks that may arise as a result of these Logic comments  
may be addressed to:

Mrs. Siobhan James-Alexander

Chief Executive Officer

Logic Communications ( Cayman) Limited

43 Eclipse Drive Grand Cayman, KY1-1205, Cayman Islands

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**Submissions from Weste Ltd (t/a Logic Communications Limited ( Cayman Islands))**  
**Re: Objection Lodged by Carlos Whittaker to the Erection of 130 Foot Monopole Tower on**  
**Hutland Road**

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The subject of these submissions is an application to erect a 130ft Monopole Tower by Westel Limited (t/a Logic Communications ( Cayman) Limited)(hereinafter referred to as 'Logic') along Hutland Road on the Block of Parcel 49A25EREM1 owned by Handl Whittaker and Dawson Whittaker. These submissions are in response to an objection lodged by Mr. Carlos Whittaker dated August 2, 2023 and brought to the attention of our Jehrome Esluzar on August 21, 2023 by way of email from Mr. Nicholas Popovich, Planning Officer of the Department of Planning of the Government of the Cayman Islands.

Logic respectfully submits before the Board of the Department of Planning that its application be approved, in the face of the for the following reasons:

- I. There is no evidence showing that the equipment proposed by Logic causes radiofrequency sickness, cancer and changes in biochemical parameters.
- II. The sources purportedly supporting Mr. Whittaker have been misconstrued. Without knowledge of the equipment, Mr. Whittaker cannot assert that the devices proposed to be used by Logic will be harmful. Moreover, the scientist cited by Mr. Whittaker has provided literature reviews and has not conducted primary research or findings to support his assertions.
- III. The equipment will provide coverage for a considerable amount of Caymanians in the subject area.

- IV. No expert evidence has been presented that is specific to the environment of the Cayman Islands.

### **General Review of the Impact of 5G**

In determining whether the equipment would cause harm to the environment, literature on the possible effects should be examined. 5G mm Wave transmission works in a similar way to any other radio transmission, except that the range is shorter, typically requiring a line of sight to the antenna. The power into the antenna is also low, typically about 1 watt. The range of 5G mm Wave small cells placed on street fixtures, such as bus shelters and light poles, will be shorter than for 5G mm Wave antennas positioned on a taller structure. In general, the length of an antenna is directly proportional to the wavelength of the signal to be transmitted/received (and therefore, inversely proportional to the frequency of the signal). At mmWave frequencies, in which signals have short wavelengths, multiple antenna elements can be used in a small space. These multiple antenna elements can support increased data rates compared to a single antenna as well as better directionality through a technique called beamforming<sup>1</sup>.

The equipment used for 5G mmWave transmission and reception is smaller than the equipment used for lower frequencies (for example those used for 2G, 3G or 4G). 5G mmWave antennas support beamforming to direct the radio signal to a desired area. Conventional antennas provide coverage that is similar to how a floodlight illuminates a wide area. Beamforming antennas are like a flashlight providing coverage where it is needed and reducing unwanted signals. A few meters away from the core of the beam, the 5G signal is negligible.

As it relates to the matter before the Board, mobile phone networks and other wireless telecommunications emit low-powered radio waves also known as radiofrequency (RF) electromagnetic

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<sup>1</sup> GSMA, '5G millimetre wave safety Electromagnetic field (EMF) health related science and research,' October, 2022. <https://www.gsma.com/publicpolicy/wp-content/uploads/2022/11/5G-millimetre-wave-safety-v2.pdf>.

energy (EME). These radio waves lie in the frequency range between 3 kilohertz (kHz) to 300 gigahertz (GHz). RF EME is different from ionising radiation, which is associated with nuclear energy or use in medicine. Wireless telecommunications operate using radio waves at different frequencies. The 5G network will initially use similar frequencies as the current mobile phone networks (3G and 4G) which operate at lower microwave frequencies. In the future, 5G will use a higher microwave frequency band, sometimes called 'millimetre waves'. **Higher frequencies do not mean higher exposure levels.**

Very high levels of exposures to radio waves (more than 50 times above the limit in the ARPANSA RF standard) can heat biological tissue and cause tissue damage. For example, in applications such as industrial use of radio waves for welding, or close occupational exposure to AM radio towers that operate at a low frequency but high power to provide vast coverage. In these applications, appropriate safety measures are taken to manage risk to the public and workers.

In the current matter before the Board, the equipment to be mounted on the proposed monopole will not produce its effects as it will be emitting waves well within the noted standard. Logic submits that the equipment to be used has passed international standards in Europe, and is an established manufacturer producing equipment for telecommunications companies globally. **The exposure to radio waves routinely encountered by the general public in the environment is too low to produce significant heating or increased body temperature.** For the very low level of exposure from radio waves used in telecommunications, the evidence for production of harmful biological effects is ambiguous and unsubstantiated. Although there have been studies reporting biological effects ('bio-effects') at these levels, there has been no indication that such effects might constitute a human health hazard.

Biological effects are physiological responses that can occur for a broad range of reasons, and are differentiated from 'health effects', which result in adverse conditions to the human body that may require medical treatment. Health authorities around the world, including ARPANSA and the World Health Organization (WHO), have examined the scientific evidence for possible health effects from

telecommunications sources. Current research indicates that there is no established evidence for health effects from radio waves used in mobile telecommunications. This includes the upcoming roll-out of the 5G network. ARPANSA's assessment is that 5G is safe<sup>2</sup>.

To further evaluate the impact, a review of international regulators has processed misinformation about 5G technology and equipment.

### **International Positions on 5G Usage**

**Netherlands, September 2020.** The Health Council of the Netherlands (HCN) committee on EMF restricted the frequencies for relevant mmWave studies to the range 20 to 40 GHz for its advisory report, and identified three epidemiological studies (related to occupational exposure to radar). The HCN EMF committee concludes: 'Such associations are deemed neither proven nor probable for any of the diseases and conditions studied, but cannot be excluded for a number of them(...). The committee recommends monitoring the exposure levels, carrying out further research and postponing the start of using the highest frequency band for 5G (26 GHz) until more is known about any health effects.' On 20 November 2020, the Government of the Netherlands responded to the HCN committee. Regarding use of the 26 GHz band, the government responded:

**'According to the WHO, the European Commission and ICNIRP, there is currently no reason to assume that the use of the 26 GHz band negative health effects. The Health Council has also confirmed this. Partly for this reason, the government sees no reason to wait for more research results before using this band. The 26 GHz band is in use in the Netherlands, but not (yet) for mobile communication...']**

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<sup>2</sup> Australian Government, Australian Radiation Protection and Nuclear Safety Agency, 'Submission to the House of Representatives Standing Committee on Communications and the Arts Inquiry into 5G in Australia', ARPANSA. [https://www.arpansa.gov.au/sites/default/files/arpansa\\_submission\\_to\\_inquiry\\_into\\_5g\\_in\\_australia\\_1.pdf](https://www.arpansa.gov.au/sites/default/files/arpansa_submission_to_inquiry_into_5g_in_australia_1.pdf)

The frequency assignment process has not commenced so the 26 GHz band is not yet available for commercial 5G deployment in the Netherlands. Note that the HCN report makes clear that it ‘does not make any statement about the actual occurrence of health damage after exposure to 5G’. The committee ‘only makes statements about the potential for radiofrequency electromagnetic fields to cause adverse health effects.’

**Australia, March 2021.** The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) state-of-the-science review and meta-analysis identified 107 experimental and 31 epidemiological studies in the frequency range 6 to 300 GHz. ARPANSA concluded: ‘This review showed no confirmed evidence that low-level RF fields above 6 GHz such as those used by the 5 G network are hazardous to human health.’ Commercial 5G mmWave services were launched in Australia in 2021.

**France, February 2022.** The French Agency for Food, Environmental and Occupational Health & Safety (ANSES12) produced a preliminary report, which used the frequency range 24-60 GHz and identified 174 studies. This was followed by a final report that considered studies between 18 and 100 GHz. ANSES concluded: ‘... no positive or negative conclusions can be drawn as to the existence of possible health effects associated with exposure to radiofrequencies in the 26 GHz band at a level below the regulatory limit values...’ 5G mmWave trials are underway in France. The dates for the spectrum assignment and commercial launches have not yet been set.

#### **Review of Equipment To be Used by Logic**

Logic proposes to use the macro-Radio 4478 as the instrument to propagate the bands to support cellular services. It is a 4T/4R radio supporting 3GPP FDD low bands ( 600-900 MHz). Low-band spectrum is a driver of digital equality, reducing the gap between urban and rural areas and delivering affordable connectivity. Without sufficient low-band spectrum, the digital divide is likely to widen, and



those living in rural areas will be excluded from the latest digital technologies. At the end of 2022, there were already 252 commercial 5G networks in 86 countries around the world, serving more than 1 billion 5G connections. By 2030, more than 5 billion 5G connections are forecast worldwide, driving almost \$1 trillion in GDP growth<sup>3</sup>.

Additionally, the propagation of 5G technologies pose no risk to the health of persons within the vicinity of the equipment. Radio equipment needs to meet regulatory requirements related to RF EMF exposure. In most countries, the applied limits have been adopted from guidelines provided by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), which is an independent international expert group formally recognized by the World Health Organization. The limits recommended by the ICNIRP are based on reviews of all relevant scientific literature and have been set with significant margins to protect from substantiated short-term and long-term health effects of exposure to RF EMF. Most regulations are still based on the ICNIRP limits from 1998, which have been confirmed to be protective. In 2020, the ICNIRP published updated guidelines considering the latest available scientific research and introducing some additions and changes. Some countries have already adopted the new ICNIRP limits and others will follow soon. The ICNIRP guidelines are technology-independent, meaning that the same limits apply for all radio technologies, that is, also for 5G.

As concluded by the ICNIRP, the substantiated health effects of RF EMF are related to local or whole-body temperature elevations that high exposure levels for an extended period of time can cause, known as thermal effects. Compliance with the limits ensures that the real exposure that people may experience is always far below these levels and that radio communication equipment, including 5G, is safe. The ICNIRP has also concluded that no non-thermal health effects (that is, effects below the limits

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<sup>3</sup> Stefano Suardi et. al. ' The Socio- Economic Benefits of Mid-Band 5G Services' GSMA, February 2022.  
<https://www.gsma.com/spectrum/wp-content/uploads/2022/02/mid-band-5G-spectrum-benefits.pdf>.



and not associated with temperature elevations) have been established as being caused by RF EMF, including cancer.

Simko et.al have noted that the studies are inconclusive and do not necessarily establish a connection between 5G frequencies and effects on humans and other organisms. There does not seem to be a consistent relationship between intensity (power density), exposure, time, or frequency, and the effects of exposure. On the contrary, and strikingly, higher power densities do not cause more frequent responses, since the percentage of responses in most frequency groups is already at 70%. Some authors refer to their study results as having “non-thermal” causes, but few have applied appropriate temperature controls<sup>4</sup>.

In order to evaluate and summarize the 6–100 GHz data in this review, we draw the following conclusions:

1. Regarding the health effects of MMW in the 6–100 GHz frequency range at power densities not exceeding the exposure guidelines the studies provide no clear evidence, due to contradictory information from the *in vivo* and *in vitro* investigations;
2. Regarding the possibility of “non-thermal” effects, the available studies provide no clear explanation of any mode of action of observed effects; and
3. Regarding the quality of the presented studies, too few studies fulfill the minimal quality criteria to allow any further conclusions.

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<sup>4</sup> Myrtill Simkó et. al. ‘ 5G Wireless Communication and Health Effects-A Pragmatic Review Based on Available Studies Regarding 6 to 100 GHz,’ National Library of Medicine. National Center for Biotechnology Information, September 13, 2019. <https://pubmed.ncbi.nlm.nih.gov/31540320/>.

György Wersényi notes that there are the possible adverse health effects of electromagnetic field (EMF) exposure have been in research focus since radio waves were introduced to telecommunications<sup>5</sup>. Broadcast radio systems, satellites, and mobile communication devices use different bands of the radio spectrum, antennas, modulations, and radiated power. The proliferation of cellular networks and mobile phones as user devices have brought transmitting and receiving antennas in the close proximity of the human body and the head. Hundreds of experiments have been conducted to prove and disprove adverse health effects of exposure. Literature reviews of experimental results have also followed the current developments in technology; however, an exhaustive analysis performed on the methodologies has revealed many flaws and problems. Current results do not indicate significant health effects and responses below the current safety limits.

#### **Review of Submissions by Mr. Whittaker's Submissions**

On the point of flaws in scientific literature, Mr. Whittaker is relying on an article by Alfonso Balmori to support his position. A close examination of Mr. Balmori's work reveals that he has not done primary research and has conducted a literature review of select sources to support his purported position. He himself indicated that the research on the matter is flawed and inconclusive. The inconclusive nature of Mr. Balmori's studies was noted as subject of concern in more conclusive studies that have been done. Ill-informed studies support persistent conspiracy theories that have resulted in vandalism of 5G towers and attacks on telecom workers, a team of experts has once again considered the health and safety issues around 5G high-speed wireless communications networks.

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<sup>5</sup> György Wersényi, 'Health issues using 5G frequencies from an engineering perspective: Current review,' Open Engineering Volume 12 Issue 1. Open Engineering, Vol. 12 Issue 1, December 31, 2022.  
<https://www.degruyter.com/document/doi/10.1515/eng-2022-0387/html?lang=en>.

Additionally, Logic submits that insufficient evidence has been provided by Mr. Whittaker regarding the surveys he alleges were conducted by the U.S. Department of Health of an antenna tower to residents and wildlife within the areas of proposed projects. No evidence of these surveys has been provided. Moreso, it is important to show a correlation between the research and the current circumstances. The onus was on Mr. Whittaker to do this and he failed to do so. The RadiaSmart page that he refers to is managed by Kristin Irwanto. She resides in the Greater Melbourne Area of Australia and started the page as a mother who started a radiation shield business RadiaSmart. She notes on her LinkedIn Page:

*When I was pregnant with my first child, I started to become more aware of electromagnetic radiation from cell phones, ipads, laptops. I was working full time as a computer system support and I was surrounded with radiation-emitting devices like laptops and cell phones everyday.*

*Like many mums, I want to provide the best environment for my baby. With an increase population using radiation-emitting devices like cell phones, ipads, and wireless network each year, I started to wonder what are the risks and health impacts for pregnant women and families in the long term.*

*So I started to do some studies and research on electromagnetic field and became more aware about the risks and health impacts of everyday radiation(Non-ionizing radiation emitted by sources like cell phones, computers, wireless towers and power line.) We are more concern for our babies and young children as they are more vulnerable to cell phone and wireless radiation because their bodies and brains are still growing and developing. Their DNA replication is at the highest rates and they absorb more radiation than adults<sup>6</sup>.*

It is Logic's position that Ms. Irwanto is not qualified to make the statements as she does not have the qualification or experience to address the issues raised in her blog. No information on her website or in public fora note her as an expert qualified to speak on this issues on EMF equipment and 5G technologies.

The Digicel tower is approximately 700 meters from Logic proposed location. The Flow tower is approximately 1,300 meters from Logic proposed location. Moreover, Mr. Whittaker has proposed that

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<sup>6</sup> LinkedIn Page of Kristin Irwanto, Business Owner of Radiasmart. <https://au.linkedin.com/in/kristin-irwanto-06b9449b>.

the tower be relocated 1320ft away from his home. However, there are other towers that are close to his home that have not been noted as a point of his objection to the Authority.

The new evidence-based review, which appears in Health Physics Journal, concludes that there appears to be “little or no risk of adverse health effects” related to radiofrequency (RF) exposure from 5G systems. The paper was authored by a physician/biologist, epidemiologist, engineers and physical scientists, all working voluntarily and collaboratively on a consensus basis. The authors explain that 5G “is not specific to frequency” and may be deployed for operating networks currently using frequencies extending from 100s to 1,000s of MHz. It can also operate in the 10s of GHz where the wavelengths are 10 mm or less — the so-called millimeter wave (MMW) band.

MMWs are not new, and are already found in such applications as airport scanners, automotive collision avoidance systems and perimeter surveillance radar security systems. However, the rapid expansion of 5G highspeed wireless systems across the globe “will produce a more ubiquitous presence of MMW in the environment,” the authors noted. Here are the three main reasons why experts agree that health harm from 5G exposure appears unlikely:

- I. In contrast to lower-frequency fields, the MMW band does not penetrate beyond the outer layer of the skin and so deeper tissues are not exposed or heated. Tissue heating is the primary potentially harmful effect of exposure to radiofrequency (RF) fields. The introduction of 5G is unlikely to change overall levels of RF exposure. People will continue to receive the most RF exposure due to the “uplink” from their own cell phones and other wireless devices — as they do now — and not from transmission from base stations.
- II. **RF exposures from cellular base stations, including 5G stations, will remain small and well below current international exposure standards and guidelines in nearly all locations accessible to the public.** “Exposures may be higher near base station antennas, but wireless

carriers are still obligated legally to ensure that transmitting facilities comply with regulatory limits,” the authors noted. “Issues related to compliance are quite possible in countries that have adopted ‘precautionary’ limits that are considerably lower than those in internationally accepted guidelines and standards.”

- III. **Exposure is expected to be lower with 5G than with 4G base stations because 5G makes more efficient use of transmitter power that can steer signals toward specific users.** “Since the 5G beam will exist only while communicating with a user, the longterm time-averaged exposure levels will also be lower,” the authors wrote. “[S]o long as exposures remain below established guidelines, the research results to date do not support a determination that adverse health effects are associated with RF exposures, including those from 5G systems,” according to the COMAR statement<sup>7</sup>.

### **Conclusion**

5G has been designed to use less power than previous generations to reduce operational costs; as a result, it emits less power as well. This is accomplished via the new, advanced radio and core architecture used in the 5G standard, with 5G networks assisting 5G devices in minimizing power transmit levels. 5G base stations also can be put into sleep mode when there are no active users (for example, at night). This capability is not available with 4G networks, which transmit control signals even when there are no users in range.

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<sup>7</sup> Joan Conrow, ‘Three reasons why 5G is unlikely to cause harm’ Alliance for Science , June 26, 2020 .  
<https://allianceforscience.org/blog/2020/06/three-reasons-why-5g-is-unlikely-to-cause-harm/>.

5G also incorporates a technique known as beamforming, an approach that involves directing a narrow beam of radio waves to the user device (such as a smartphone). This method is equivalent to directing a narrow beam of light from a pocket flashlight at a target, focusing the radio waves on the device. This method not only enables higher connection speeds, but also leads to lower radio wave exposure than prior network generations, which would often spread radio waves across a wide arc, similar to a car's headlight.

Some people may conflate the risks associated with beamforming with industrial-grade laser beams. A manufacturing-grade laser beam, which is 100 million times as powerful as a typical laser pointer, is capable of melting steel. But beamforming in 5G networks involves innocuous levels of power.

As a final note, tests of 5G sites in 2020 by regulators such as Ofcom in the United Kingdom have found that their EMF levels are well within International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. ICNIRP is an independent scientific commission based in Germany that works with the World Health Organization (WHO), the International Labour Organization (ILO), and the European Commission. The highest EMF level recorded among the 22 locations tested was 1.5% of the acceptable level—in other words, 98.5% below the acceptable level. Most of the sites tested supported four generations of mobile technology; that is, a combination of 2G, 3G, 4G, and 5G (in many markets, 5G-only base stations remain relatively rare). At all of these sites, 5G contributed the *least* to the EMF fields

measured. In 19 of the 22 locations, the highest 5G band value was less than 0.01% of the acceptable ICNIRP level<sup>8</sup>.

In closing, Logic assures the Bord of the Authority, that its customers, and by extension of the people of Cayman will be its primary priority. Thus providing the necessary services needed to complement the network is the key driver of this initiative. The International Telecommunications Union notes that :

Despite extensive studies into the health effects of mobile phones over the last two or three decades, there is no indication of an increased health risk when exposed to electromagnetic fields below the levels specified by international bodies.

There is no evidence that electromagnetic fields from existing (2G, 3G and 4G) mobile networks pose any health risks, provided that administrations enforce the exposure limits established by international bodies.

There is no scientific basis of any relation between the transmission of the coronavirus and 4G or 5G or any other electromagnetic waves<sup>9</sup>.

Logic stands by its position that the Ericsson equipment to be mounted on the 130 ft. Monopole is safe for individuals within its environs and will not cause harm to flora, fauna and wildlife.

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<sup>8</sup> Paul Lee et.al. ' 5G Health Risks Debunked: 5G is not hazardous to your health: Busting the recent risk myth,' Deloitte Insights, December 6, 2020. <https://www.deloitte.com/cbc/en/our-thinking/insights/industry/technology/technology-media-and-telecom-predictions/2021/5g-radiation-dangers-health-concerns.html>.

<sup>9</sup> The International Telecommunications Union, '5G, human exposure to electromagnetic fields (EMF) and health,' The International Telecommunications Union, June 2020. <https://www.itu.int/en/mediacentre/backgrounders/Pages/5G-EMF-health.aspx>.





## Appendix B

May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

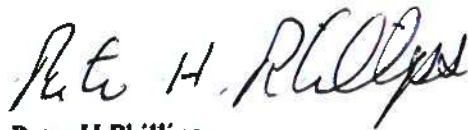
- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.
-

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Peter H Phillips  
Owner  
The Palms Condominiums – Unit 15  
Block / Parcel 5D3H12

717 773-8951  
pphillips@phillipsmss.com



KY1-1003  
525 5546

6<sup>th</sup> May 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As the registered owner of #1 Silver Sands, I object to the CPA's approval of the above referenced project for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.



- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project.

I strongly urge you to reject the Application as submitted.

Yours faithfully,



Charles Jennings →

Owner, #1 Silver Sands

May 4, 2023

Director of Planning

Central Planning Department

P.O. Box 113

Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL- ([Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky))

Sender's email: [Bill@wmoerbe.com](mailto:Bill@wmoerbe.com)

Owner of Block and Parcel: 5C191H31 Silversands above referenced project (Aqua Bay Redevelopment Request Block Parcels 5D4, 5C234).

The adverse impact on the adjacent neighbors cannot be overstated. Our Unit 31 and in Silversands is only approximately 60' to the west of the proposed 10 story project. There will be approximately 2 years of unhealthy dust, excessive noise pollution, hazardous conditions from heavy equipment to include cranes operating near the neighbors to the east and west of this project. The right to quiet enjoyment will be placed on hold for this demolition and construction phases for 2 years. All this is on the heels of owners not having practical access to their properties in 2020 and 2021

There appears to be no Environmental Impact Study on the proposed project available to us. This would address my concerns related to soil conditions, impact to the beach of this section of Seven Mile Beach, sinks holes that appeared during the earthquake in 2020, and the impact to the Turtle Friendly Project that has made tremendous progress during the past years. The environmental impact study should also include assessment of the potential beachside retaining wall.

The liability insurance coverage may be grossly inadequate in the event there are significant unknown / unplanned impacts to neighboring properties.

The long-term impact items include traffic safety conditions related to ingress/egress of the Aqua Bay project that will increase the traffic load approximately 40% for Aqua Bay property. This property and adjacent properties are located on a "blind curve" on West Bay Road that are currently at a dangerous level all hours of the day. The safety of residents and guests walking across this road to the parking area should be assessed. This study would certainly have assessments on the proposed beachfront retaining wall also.

There also appears to be limited, if any, statements regarding the approximately 2-year impact to the viability of the rental pool programs by neighboring properties. The viability of those rental properties would be significantly impacted and the employment of the Cayman workers supporting those programs at risk.

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Sincerely,

William and Debra Moerbe

Unit 31 Silversands

PO Box 752  
Grand Cayman KY1-1303  
Cayman Islands

May 8, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

*Suzanne Jensen*

*Stuart Clark*

Suzanne Jensen  
Silver Sands #22  
Block and Parcel 5C191H22

Stuart Clark

**BONNIE E. HIBBERT  
6019 STONES THROW RD.  
HOUSTON, TX 77057  
U.S.A.**

May 8, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
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Please advise if you have any questions or need further information.

Sincerely,



Bonnie E. Hibbert  
Silver Sands #26  
Block and Parcel 5C191H26  
713-962-4733

May 8, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
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-

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Please advise if you have any questions or need further information.

Sincerely,



Luc Maiche  
Joint Proprietor  
The Palms Condominiums – Unit 11  
Block / Parcel 5D3H11

(828) 290-0624  
[maichebusiness@hotmail.com](mailto:maichebusiness@hotmail.com)



May 8, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
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-

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Please advise if you have any questions or need further information.

Sincerely,



Elizabeth W Maiche  
Joint Proprietor  
The Palms Condominiums – Unit 11  
Block / Parcel 5D 3H11

(828) 699-5076

[LizMaiche@hotmail.com](mailto:LizMaiche@hotmail.com)

**May 8, 2023**

**Director of Planning  
Central Planning Authority, Grand Cayman  
P.O. Box 113  
Grand Cayman, KY1-9000, Cayman Islands**

**VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))**

**Re: Blocks/Parcels 5D4 and 5C234  
Aqua Bay Redevelopment Plan**

**Dear Sir,**

**Please accept this letter as notification of my objection to the above-noted application for planning permission submitted by Brian Butler for Blocks/Parcels 5D4 and 5C234. I am an adjacent property owner and, while I have not yet received my required, formal notification of the Notice of Application for Planning Permission, I want to ensure that my objections are received in a timely manner. Many of our owners have not received formal notification to date and I respectfully request consideration be given to an extension to the objection timeline to allow all affected owners an opportunity to review and respond in a detailed manner.**

**My objections centre around the inappropriate size of the proposed building relative to the size of the property and the style of the surrounding complexes, and the negative environmental impacts of the proposed development. I have outlined my detailed concerns below.**

- 1. While the proposal is within the site coverage restriction when excluding paved areas, it is clear from the submission that the mass and scale of the proposed redevelopment will leave the property looking overdeveloped and out of alignment with the neighbouring complexes and private homes. The property is not a large parcel, particularly when compared to neighbouring complexes, and the development proposal is not taking that into consideration appropriately. My specific objections include:**
  - a. The proposed number of units (38) exceeds the maximum allowed for the property size (34.5).**

- b. Site coverage will exceed maximum when paved areas are included, leaving minimal areas for green space and natural landscaping. This will result in a significant change in the character of the parcel/block along this north end of the beach.
  - c. The driveways on either side of the property are extremely close to the neighbouring complexes with insufficient proposed landscaping to mitigate increased noise, light and exhaust fumes. The proposed location of the driveways basically puts a road right beside each of the neighbouring properties with no space to mitigate the impact.
  - d. Entrances and exits from the property are too close to the neighbouring properties and will create traffic and safety concerns,
  - e. The location and size of the building will disrupt the horizon view as you travel the north end of the beach and further reduce views of the beach from the road side. The building will create another literal and figurative barrier to the beach.
  - f. The height of the proposed building will create a negative visual impact for neighbouring properties and negatively impact daylight/sunlight exposure.
  - g. The raised pool deck and significant size of the pool is not in line with surrounding properties and well out of proportion to the size of the property, leaving little to no green space on the beach front side. The steps down to the beach create a safety hazard from a jumping and tripping perspective.
  - h. The beach set back of 50 feet is not sufficient to adequately support the proposed development and the increased number of residents/guests.
  - i. The proposed parking across the street will create significant traffic and safety concerns, particularly when the redevelopment will have increased visitors who may not be familiar with local left side driving.
2. The mass and scale of the proposed development raises significant environmental concerns and a full review of the potential impacts by the Department of Environment should be completed. My objections are related to the following specific concerns:
- a. Significant change to the property, in particular the proposed underground parking and extensive paving of the property, raises concerns on the impact of stormwater flows and they need to be addressed for all the impacted properties.
  - b. The pool deck, at well over 90 feet, has a retaining wall almost the full length of the property on the beach front. This proposed retaining wall, coupled with the proposed 50 feet setback, will likely have a significant impact on the beach profile for Aqua Bay and all the surrounding properties. We have all witnessed the profoundly negative impact on the beach of retaining walls and insufficient setbacks and the one proposed in this application is unacceptable and irresponsible.
  - c. The proposal includes the removal of the existing beach front pool which will have implications to the beach profile, both in the removal and how it will be filled.
  - d. The beach property is a significant turtle nesting location and the size of the proposed development, the proposed destruction of the existing structures and

beach front pool, and the multiple years of heavy construction will have a negative impact on the turtle nesting. Any development plan needs to consider appropriate modifications to support the turtle population.

In addition to the above objections, I have significant concerns related to negative impacts to our property due to the scale of this potential construction project, in terms of size and likely timeline. Given how close this construction will be to our property, noise, pollution (air and ocean), potential for damage to our property, as well as negative impact on our use/enjoyment of our property are real concerns and need to be addressed as part of any redevelopment plan.

Thank you for your consideration. Please advise if you have any questions or require any additional information.

Sincerely,



Gale Lockbaum  
(galelockbaum@gmail.com)

Silver Sands #5  
P.O. Box 752 WB  
2131 West Bay Road, West Bay  
Grand Cayman

Block/Parcel: 5C/191H5

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:09 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment  
**Attachments:** Cayman Title.pdf.html

**From:** Unknown [mailto:mayjmic0@gmail.com]  
**Sent:** Monday, May 8, 2023 1:29 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment

----- Forwarded message -----

**From:** Maryellen May <[maryellenmay17@gmail.com](mailto:maryellenmay17@gmail.com)>  
**Date:** Mon, May 8, 2023 at 2:24 PM  
**Subject:** Aqua Bay Redevelopment  
**To:** Michael May <[mayjmic0@gmail.com](mailto:mayjmic0@gmail.com)>

May 8, 2023

Director of Planning

Central Planning Authority, Grand Cayman

P. O. Box 113

Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request**

**Block/Parcels 5D4, 5C234**



Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

1. The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
2. There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
3. Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
4. The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
5. The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.



6. Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
7. The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
8. The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

*Michael May II*

Michael May II

Silver Sands #16

Block and Parcel 5C191H16

812-360-1499



May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: URGENT Information Regarding Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage or other done to Silver Sands property or its residents is also unstated and unknown.

- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



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GREENHAVEN  
Theodore C. Green, Principal  
Silver Sands #15  
Block and Parcel 5C191H15  
404-889-5776

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May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands  
VIA EMAIL (planning.dept@gov.ky)

Re: Aqua Bay Redevelopment Request

Block/Parcels 5D4, 5C234

Dear Planning Committee,

I am a notified adjacent property owner and object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The proposed development breaches the density allowance of 25 units per acre of land.  
EX: 25 X 1.38 acres equals 34.5 units not 38 as proposed.
- (2) The proposed development exceeds the site coverage allowance. The allowed percentage is 40%. The Aqua Bay proposal including paved areas is 52.7%
- (3) Section 3.05(c) – This development is a breach of this code and clearly represents over-development. We request a full impact assessment be completed.
- (4) The demolition will cause a direct impact to surrounding owners and rental guests from excessive noise, debris, traffic, loud machinery and other heavy deconstruction activities.
- (5) The pool retaining wall is a hazard to the existing and adjacent beach fronts.  
Cayman has several examples of retaining wall erosion issues such as the Marriott Hotel.
- (6) The request for septic instead of a sewer option.
- (7) Impact on wildlife including the turtle nesting areas.
- (8) The development does not address the Cayman affordable housing crisis.

Thank you,

John Lockbaum  
Block 5C Parcel191H5  
2131 West Bay Road SilverSands # 5

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May 8, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Kathy Tatum  
Silver Sands #38  
Block and Parcel 5C191H39  
345-949-3407



## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:08 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment Request, Block/Parcels 5D4, 5C234

**From:** Marie Adkins [mailto:dwakiwi@aol.com]  
**Sent:** Monday, May 8, 2023 11:06 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment Request, Block/Parcels 5D4, 5C234

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re:** Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234

Dear Sirs,

As a duly notified adjacent property Proprietor, I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

1. The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When we purchased our home at Silver Sands, we invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
2. There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
3. Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
4. The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
5. The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
6. Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
7. The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

8. The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

Danny & Wilda Adkins  
Silver Sands #7  
Block and Parcel 5C191H7  
345-928-9848

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:08 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment Request/Block/Parcel 5D4,5C234

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**From:** Douglas Shearer [mailto:shearesq@yahoo.com]  
**Sent:** Monday, May 8, 2023 10:13 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment Request/Block/Parcel 5D4,5C234

VIA EMAIL to [planning.dept@gov.ky](mailto:planning.dept@gov.ky)

Director of Planning  
Central Planning Authority, Grand Cayman  
P.O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

Dear Sir:

As a notified Joint Proprietor, I object to the proposed application for planning permission of Block and Parcel 5D4, 5C234, for the following reasons;

1. I have not been presented with notice regarding demolition nor specific conditions to be imposed upon the developer during the tear down process.
2. The density will increase dramatically with 10 stories at Aqua Bay.
3. Concern over turtle nesting the next 3 years and in the future.
4. Concern over erosion similar to that by the Marriott with significant retaining walls planned at Aqua Bay.
5. Additional cars and traffic on the roads and at Aqua Bay.
6. Demolition, noise, dust, and possible pollution during construction which will probably last at least 3 years.
7. Parking, workers and construction equipment during construction.
8. Damage to Silver Sands infrastructure during the demolition and construction.
9. Concern over safety for Silver Sands Proprietors and guests during demolition and construction.
10. Peace and quiet on the beach will be detrimentally affected which currently is an asset of the Cayman Islands. It is priceless and beyond one's ability to quantify.

Regards,  
R. Douglas Shearere  
Silver Sands #24  
Block and Parcel 5C191H24

PO Box 515  
Pine Beach, NJ 08741 USA  
732-330-3031

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighboring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighborhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously, the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighboring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Joseph Owens  
Silver Sands #40  
Block and Parcel 5C191H40  
345-949-3889

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:08 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Development Concern  
**Attachments:** IMG\_8268.jpg.html

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**From:** KAREN SHEARER [mailto:karen2748@yahoo.com]  
**Sent:** Monday, May 8, 2023 6:34 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Development Concern

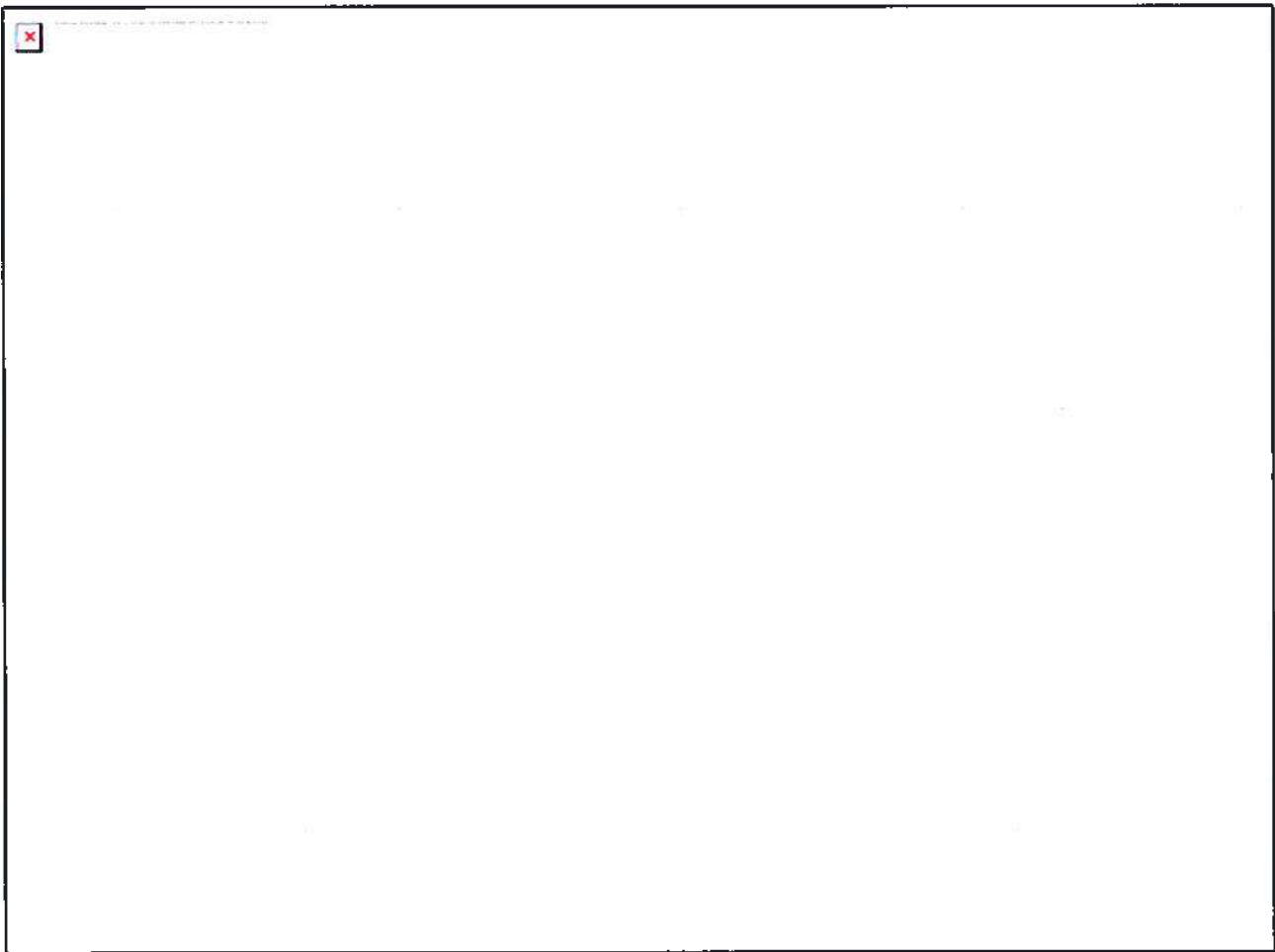
Director of Planning, PO Box 113, Grand Cayman ,KY 1-9000, Cayman Islands;

As a notified joint proprietor, I object to the proposed application for planning permission of Block and Parcel 5D4, 5C234, for the following reasons;

1. Allowing 10 stories on 7 MB will change the entire character of the beach and Grand Cayman. Is it all about the money?
2. The density will increase dramatically with 10 stories at Aqua Bay.
3. Concern over turtle nesting the next 3 years and in the future.
4. Concern over erosion similar to that by the Marriott with significant retaining walls planned at Aqua Bay.
5. Additional cars and traffic on the roads and at Aqua Bay.
6. Demolition, noise, dust, and possible pollution during construction which will probably last at least 3 years.
7. Parking, workers and construction equipment during construction.
8. Damage to Silver Sands infrastructure during the demolition and construction.
9. Concern over safety for Silver Sands Proprietors and guests during demolition and construction.
10. Peace and quiet on the beach. Priceless.

Regards,  
Karen H Shearer  
Silver Sands #24  
Block and Parcel 5C191H24  
PO Box 515  
Pine Beach, NJ 08741 USA  
732-330-3032  
345-949-3565





Sent from my iPhone

7 May 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request; Block/Parcels 5D4, 5C234**

Dear Sirs,

I am the registered owner of Unit 33 Silver Sands (Block 5C, Parcel 191H33) and a Cayman status holder. I am aware that an application has been made for permission to redevelop the Aqua Bay condo complex. I have reviewed the application online and I am writing to object to it, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are inconsistent with the character of the neighbouring properties. Including high rise apartments on this end of the beach will create denser population and forever change the landscape, especially if other condo blocks follow suit.
- (2) The proposed project does not have enough under ground parking for 38 units, and some of the proposed parking is on the other side of a busy stretch of road. Planning to have people run across a busy stretch of road is both dangerous and sure to cause additional traffic problems.
- (3) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area, which might be impacted by this project. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. I respectfully ask the CPA to reject the application. Thank you for your consideration.

Yours sincerely,



Erin Galatopoulos

+1 345 926 0770 / erin\_k\_baker@yahoo.com

## **Popovich, Nicholas**

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:08 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment  
**Attachments:** Cayman Title.pdf.html

**From:** Maryellen May [mailto:maryellenmay17@gmail.com]  
**Sent:** Sunday, May 7, 2023 1:38 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment

May 7, 2023

Director of Planning

Central Planning Authority, Grand Cayman

P. O. Box 113

Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request**

**Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

1. The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
2. There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
3. Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
4. The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
5. The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
6. Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
7. The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

8. The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

*Maryellen May*

Maryellen May

Silver Sands #16

Block and Parcel 5C191H16

812-322-7997

**WINCHESTER HOUSE  
GRAND DOUIT ROAD  
ST SAMPSON'S  
GUERNSEY  
GY2 4WG, CHANNEL ISLANDS**

7 May, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request (Application for Planning Consent)  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.

- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.
- (9) The development would make the area unattractive which would deter returning visitors to the Cayman Islands.
- (10) West Bay still has Caymanian charm due to the lack of high rise buildings and local West Bay residents do not want high rise buildings in this area.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Yours sincerely,



DAVID ROBERT MITCHISON  
Silver Sands #34  
Block and Parcel 5C191H34  
#44 1481 254478



**WINCHESTER HOUSE  
GRAND DOUIT ROAD  
ST SAMPSON'S  
GUERNSEY  
GY2 4WG, CHANNEL ISLANDS**

7 May, 2023

**Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands**

**VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))**

**Re: Aqua Bay Redevelopment Request (Application for Planning Consent)  
Block/Parcels 5D4, 5C234**

**Dear Sirs,**

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooflop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.

- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.
- (9) The development would make the area unattractive which would deter returning visitors to the Cayman Islands.
- (10) West Bay still has Caymanian charm due to the lack of high rise buildings and local West Bay residents do not want high rise buildings in this area.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Anne Marie Mitchison  
Silver Sands #34  
Block and Parcel 5C1911134  
+44 1481 254478

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:07 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: Aqua Bay Redevelopment  
**Attachments:** Cayman Title.pdf.html

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**From:** Michael May [mailto:michael@interiormythos.com]  
**Sent:** Sunday, May 7, 2023 10:19 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment

May 7, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.

- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

*Michael D. May*

Michael D. May  
Silver Sands #16  
Block and Parcel 5C191H16  
812-606-7152

May 7, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)  
Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234

Dear Sirs,

As a duly notified adjacent property Proprietors (see attached Notice), we hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighboring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay Neighbourhood.
  - (2) There is no application that we can see for planning permission to tear down the existing Aqua Beach development. We are aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighboring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and Unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
  - (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close
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distance of the units on the east side of our property, and on the west side of The Palms property.

(6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

(7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

(8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. We strongly urge you to reject the Application as Submitted.

Please advise if you have any questions or need further information.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Robert King', written over a light blue circular stamp.

Roberta and Steve King  
Silver Sands #4  
Block and Parcel 5C191H39  
+1-910-583-7099  
[robertaking.king@gmail.com](mailto:robertaking.king@gmail.com)  
[sksking8@gmail.com](mailto:sksking8@gmail.com)



## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:07 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to Aqua Bay Developement  
**Attachments:** Aqua Bay Notification to Proprietor.pdf.html

**From:** Pdl50 [mailto:pdl50@aol.com]  
**Sent:** Sunday, May 7, 2023 9:46 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Cc:** silver@candw.ky; dkbrazelton@aol.com  
**Subject:** [EXTERNAL] Objection to Aqua Bay Developement

May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request**

**Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

(1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.

(2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.



(3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic or other damage done to Silver Sands property or its residents is also unstated and unknown.

(4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

(5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.

(6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

(7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

(8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,  
Priscilla L. Holt  
Silver Sands #35  
Block and Parcel 5C191H35  
847-772-4597

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
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- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigation actions are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Dr Robert Hurst (Corbiere Investments)  
Silver Sands #13  
West Bay South Block 5C Parcel 191 H13  
345-949-1985

**Tim & Caroline Curtis**  
**P.O. Box 130, KY1-9006**  
**Grand Cayman, Cayman Islands**  
Tel 345 526 3022      email: tcourtis607@gmail.com

May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request**  
**Block/Parcels 5D4, 5C234**

Dear Sir,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:


- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my property at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.
- (9) Redevelopment is a natural occurrence as properties age. However, the short-term financial greed of property owners to build bigger/higher buildings on their property in order to maximize personal financial gain without consideration for the environment and the very nature of Seven Mile Beach needs to be put in check by government planning.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Tim & Caroline Courts  
Silver Sands Unit #2  
Block and Parcel 5C191H2



## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:06 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment Request Block/Parcels 5D4 5C234

**From:** tonisaltair@aol.com [mailto:tonisaltair@aol.com]  
**Sent:** Saturday, May 6, 2023 5:47 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment Request Block/Parcels 5D4 5C234

May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P.O.Box 113

Dear Sirs:

As a duly notified adjacent property proprietor (see attached notice), I hereby strongly object to the CPA's approval of the above referenced project for the following reasons:

1. The physical characteristics of the proposed ten story (plus rooftop) are totally inconsistent with the character of the neighboring properties, including my home at Silver Sands. When the  
When the proprietors of Silver Sands purchased their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet and aesthetics of the West Bay neighborhood.
2. There is no application I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans  
it would seem there should be specific conditions associated with that portion of the job.
3. Obviously, the dust, noise, pollution and vibrations from the demolition (and the new construction) will have an adverse effect on neighboring properties and the owners of the Palms are  
entitled to see any impact assessments as a result of such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to  
adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated.
4. The critical mass and height of the proposed development will adversely affect or block daylight, sunlight and views from units at Silver Sands and The Palms that are adjacent to Aqua  
Bay.
5. The garage parking design reflects exit and entry traffic lanes on each side of the building vehicles, exhaust fumes and noise within a very close distance to of the units on the east side  
and the west side of the Palms property.
6. Additional parking is planned on the other side of busy West Bay Road where there is a curve with limited sight distance creating even more traffic and danger of accidents for vehicles and  
pedestrians walking back and forth between their cars and the Aqua Bay building.
7. The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for

for at least 2 to 3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

8. The plans call for an elevated concrete retaining wall on the beach side of the pool deck which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues will arise which cannot currently be foreseen. Attempting to squeeze this massive size project into the frontage/property width area of Aqua Bay--between two existing vibrant properties--is an affront to every proprietor on each side of the project. I strongly urge you to reject the application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

Toni A. Reilly  
Silver Sands #14  
345 949 2651



May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool. Recent experience in Cayman has shown that these walls can cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project and could accelerate the destruction of the islands most precious asset—its pristine beaches. We strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

  
Richard Donley

  
Mary E. Donley

Richard & Mary Donley  
Joint Proprietors  
The Palms Condominiums – Unit 1  
Block / Parcel 5D.3H1

412-370-7885  
rdonley433@gmail.com

## Popovich, Nicholas

---

**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:06 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment,Block/Parcel 5d4, 5C234

-----Original Message-----

**From:** Henry Nichols [mailto:hnichols246@gmail.com]  
**Sent:** Saturday, May 6, 2023 5:09 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment,Block/Parcel 5d4, 5C234

Director of Planning  
Central Planning Authority, Grand Cayman

Aqua Bay Redevelopment Request  
Block /Parcels 5D4, 5C234

Sirs,

As a duly notified adjacent property, owner, I hereby object to the totally inconsistent redevelopment of Aqua Bay condos to a 10 story plus rooftop building blocking sunlight and views from the Palms and Silver Sands, condos that are adjacent to the proposed redevelopment.

Since the massive building uses all available land for parking, a garage below the structure is to be utilized. However, if that is not enough, parking across West Bay Road is proposed, meaning a person must walk (or run) to cross the heavily traveled road. This is indeed a hazardous undertaking, even for visitors in good physical condition.

The beachfront at both The Palms and Aqua Bay is known to the DOE as an active turtle nesting area which be severely affected by the massive building covering the entire grounds of the existing Aqua Bay condos.

Plans call for a concrete wall to be built which could have the undesirable effect of wave action moving sand from The Palms to the other side of the wall.

I have read in the Compass of the need to build new construction more inland instead of on the beaches. Does this proposed project fall in that category, or is it to be excused for some reason?

Thank you for taking time to read my objections to this project.

Henry Nichols  
Hnichols246@gmail.com  
Owner #8, The Palms, Block/Parcel 5D3H08  
345 945-1677 home phone

Sent from my iPad

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.



- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Margaret A. Keshishian  
Silver Sands #8  
Block 5C, Parcel 191H8  
345-949-3154  
US 202-836-2516

May 5, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Sheila Torch  
Silver Sands #3  
Block and Parcel 5C191H3  
345-949-1952



May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
-

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

Robert & Marie Schrock  
Silver Sands #36  
Block and Parcel 5C-191H36  
574-536-2503

May 5, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As an adjacent property Proprietor waiting to receive Notice of the proposed redevelopment, I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of Silver Sands are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Helen Haddleton  
Silver Sands #30  
Block and Parcel 5C191H30  
345-326-3705

## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:05 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment Request  
**Attachments:** Silver Sands PALMS letter 5 6 23.pdf.html; TRAVEL LOGO E.png.html; INSTAGRAM logo 3.png.html

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**From:** Alicia [mailto:[alicia@adkcarpets.com](mailto:alicia@adkcarpets.com)]  
**Sent:** Saturday, May 6, 2023 11:49 AM  
**To:** Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>  
**Cc:** [dkbrazelton@aol.com](mailto:dkbrazelton@aol.com); Gwenda cell silver sands <[silsands@candw.ky](mailto:silsands@candw.ky)>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment Request

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234

Dear Sirs,

As an owner of property on Grand Cayman since the early 1980's and duly notified adjacent property Proprietor, I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

(1)  
The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighboring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, aesthetics of the West Bay neighborhood and the lovely ocean. We intentionally chose the West Bay area for it's distance from other condos and apartments.

(2)

There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.

(3)

Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighboring properties as well as the marine life, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.

(4)

The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.

(5)

The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.

(6)

Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

(7)

The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans. Nature should be deeply respected and honored especially in a place where natural beauty is what makes Cayman the destination it has become. To ignore it is detrimental to sustaining a healthy environment.

(8)

The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

We love The Cayman Islands and hope that our little slice of paradise can be protected.



Sincerely,

Alicia D Keshishian  
Silver Sands #8  
West Bay South, Block 5C, Parcel 191H8.  
345.949.3154  
US 707.775.3494

May 5 2023

**Alicia D. Keshishian**

*Carpets of Imagination*

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studio 707.775.3494

cell 707.971.9179





May 6th, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
-

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The garbage storage area is currently designed to be on the opposite side of West Bay Road from the building, in the proposed parking overflow lot. This is dangerous to the workers needing to walk across a busy road with limited sight distance, but also can be a cause of unsanitary conditions, and unwanted odors at the Silver Sands property
- (8) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (9) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

Carl and Maria Hauch  
Silver Sands #9  
Block and Parcel 5C191H39  
345-945-2944

LANDIS, Ltd  
PO BOX 30160  
Grand Cayman KT1-1200  
Cayman Islands

May 6, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234

Dear Sirs,

As a duly notified adjacent property Proprietor , I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

(1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.

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(2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.

(3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.

(4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.

(5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our *property*, and on the east side of the Silver Sands property.

(6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

(7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost

certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.

(8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

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Please advise if you have any questions or need further information.

Sincerely,

Granger Haugh

Joint Proprietor

The Palms Condominiums – Unit 6 and Unit 7

Block / Parcel 5D3H12

(760) 877-3173

grangerhaugh@gmail.com

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May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor , we hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.
-

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the east side of our property, and on the west side of The Palms property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,

Roy and Diane Brazelton  
Silver Sands #39  
Block and Parcel 5C191H39  
345-916-2905



## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 12, 2023 4:04 PM  
**To:** Popovich, Nicholas  
**Subject:** FW: Aqua bay redevelopment

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**From:** john fager [mailto:fager12@msn.com]  
**Sent:** Saturday, May 6, 2023 3:44 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua bay redevelopment

As an owner of # 18 at Silvers Sands Strata since 1979 and lover of this island please

Consider the following when reviewing :

10+ story is way out of keeping and character of the neighborhood.

A "shadow study " should be submitted by the developer. It will show that early morning  
Sunlight will be denied significant portions of Silver Sands property severely affecting and diminishing the value of our  
property.

Obvious traffic problems.

A WIND TUNNEL created by a building this tall will effect the beach sand accumulation pattern. The wind bouncing off  
of this pdroposed building will adversely affect the enjoyment of our property, especially the beach.

There may be locations for 6-10 story or taller buildings on the island . This is NOT one of them.  
Please consider scrapping this proposal for the good of the island.

Respectfully ,

John and Michelle Fager

Sent from [Mail](#) for Windows 10

May 5, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
  - (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
  - (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
  - (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.
-

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Edelgard Beister  
Proprietor  
The Palms Condominiums – Unit 14  
Block / Parcel 5D3H13

(345) 926 8342  
ebeister70@gmail.com

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL ([planning.dept@gov.ky](mailto:planning.dept@gov.ky))

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.



- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Richard R. Reupke  
Joint Proprietor  
The Palms Condominiums – Unit 12  
Block / Parcel 5D3H12

(214) 924-5597  
[rreupke@crp1492.com](mailto:rreupke@crp1492.com)

May 5, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
- (7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Joan H Addison  
Joint Proprietor  
The Palms Condominiums – Unit 10  
Block / Parcel 5D3H12

(905) 773 8222  
(647) 448 0222

Moorecroft18@gmail.com



## Popovich, Nicholas

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**From:** Department of Planning  
**Sent:** Friday, May 5, 2023 10:16 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Aqua Bay Redevelopment Request Block/Parcels 5D4, 5C234

**From:** Russ Cersosimo [mailto:russcsr@gmail.com]  
**Sent:** Friday, May 5, 2023 6:06 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Aqua Bay Redevelopment Request Block/Parcels 5D4, 5C234

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above-referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10-story (plus rooftop) redevelopment is totally inconsistent with the character of the neighboring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighborhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans, it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously, the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighboring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to the Palms property or its residents is also unstated and unknown.
- (4) The critical mass & the height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.
- (5) The garage parking design reflects entry and exits traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more

traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

(7) The beachfront at The Palms and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc., from the proposed plans.

(8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur, and as sea levels rise.

There are no doubt other problematic issues that will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every The proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,  
Russell L Cersosimo  
The Palms unit #5

KY1-1003  
525 5546

6<sup>th</sup> May 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels SD4, SC234**

Dear Sirs,

As the registered owner of #1 Silver Sands, I object to the CPA's approval of the above referenced project for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including my home at Silver Sands. When the proprietors of Silver Sands purchased their homes, they invested in not only the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
- (3) Obviously the dust, noise, pollution, and vibrations from the demolition (and the new construction) will have an adverse effect on neighbouring properties, and the owners of the Palms are entitled to see any impact assessments as a result such work, including the possibilities of any sinkholes opening up, and other known risks to the foundation and other damage to adjacent properties. The level of insurance coverage protection which will be in place in the event of catastrophic damage done to Silver Sands property or its residents is also unstated and unknown.
- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at Silver Sands and The Palms that are adjacent to Aqua Bay.



West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.

- (7) The beachfront at Silver Sands and Aqua Bay is well known by DOE as a very active sea turtle nesting area. A project of this magnitude with demolition and reconstruction going on for at least 2-3 years will almost certainly have an adverse effect on that activity. We cannot tell what mitigations are planned for lighting, beach protection from construction debris, etc. from the proposed plans.
- (8) The plans call for an elevated concrete retaining wall on the beach side of the pool deck, which could cause significant erosion issues on Seven Mile Beach as tropical systems occur and as sea levels rise.

There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Wilson Landmark  
Silver Sands # 42  
Block and Parcel 5C 191 H 39  
(345) 949-1926

May 4, 2023

Director of Planning  
Central Planning Authority, Grand Cayman  
P. O. Box 113  
Grand Cayman KY1-9000, Cayman Islands

VIA EMAIL (planning.dept@gov.ky)

**Re: Aqua Bay Redevelopment Request  
Block/Parcels 5D4, 5C234**

Dear Sirs,

As a duly notified adjacent property Proprietor (see attached Notice), I hereby strenuously object to the CPA's approval of the above referenced project, for the following reasons:

- (1) The physical characteristics of the proposed 10 story (plus rooftop) redevelopment are totally inconsistent with the character of the neighbouring properties, including the Palms (my home). When the Proprietors of The Palms acquired their homes, they invested not only in the property, but also for the surrounding tranquility, peace, quiet, and aesthetics of the West Bay neighbourhood.
- (2) There is no application that I can see for planning permission to tear down the existing Aqua Beach development. I am aware that full demolition work is required, but looking at the plans it would seem that there should be specific conditions associated with that portion of the job.
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- (4) The critical mass & height of the proposed development will adversely affect or block daylight, sunlight, and views from units at the Palms and Silver Sands that are adjacent to Aqua Bay.

- (5) The garage parking design reflects entry and exit traffic lanes on each side of the building, bringing vehicles, exhaust fumes, and noise within a VERY close distance of the units on the west side of our property, and on the east side of the Silver Sands property.
- (6) Additional parking for the project is planned on the OTHER side of the busy West Bay Road (where there is a curve with limited sight distance), creating even more traffic and danger of accidents for vehicles AND pedestrians walking back and forth between their cars and the Aqua Bay building.
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There are no doubt other problematic issues which will arise which cannot currently be foreseen. Attempting to squeeze this massive size of a project into the frontage/property width area of Aqua Bay – between two existing vibrant properties – is an affront to every Proprietor on each side of the project. I strongly urge you to reject the Application as submitted.

Please advise if you have any questions or need further information.

Sincerely,



Mayra Lenders Artusi  
Single Proprietor  
The Palms Condominiums – Unit 9  
Block / Parcel 5D3H9

(512) 731-3749  
mayra.artusi@gmail.com

## Appendix C



## **Popovich, Nicholas**

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**From:** Department of Planning  
**Sent:** Wednesday, August 9, 2023 9:54 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: Objection to application for planning permission on Block & Parcel 21E149

**From:** Miles Perryman [mailto:mep.345@outlook.com]  
**Sent:** Tuesday, August 8, 2023 5:59 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to application for planning permission on Block & Parcel 21E149

Dear Sir / Madam,

As the owner and inhabitant of B9 722-724 South Sound Road (Pirates Lair) (Block 21E Parcel 67H9) near to the land in question (Block and Parcel 21E 149) I wish to make an objection to the planning permission application referred to above on the following grounds:

1. The occupancy density stated in the plans is for 24 bedrooms and the planning restrictions state that only 24 bedrooms are permitted. However, the plans include a ground floor 'multi-purpose room' which includes an adjacent full suite bathroom. It is clear that this will be converted into another bedroom and realtors will market the units as three bedroom townhouses. Thus I assert that the plans put forward as a matter of substance are disingenuous and in fact exceed the density restrictions by 12 bedrooms. Therefore, the plans should not be permitted on this ground alone.
2. The buildings are completely out of character with the Pirates Cove Estate. Pirates Cove Estates has single residences, not multi-storey terraced townhouse units. Further, the proposed units are three storeys and in addition have an open roof top facility. This again is out of keeping with the area. In this regard direct comparison can be made to property adjacent to Pirates Cove Estates, namely, Pirates Lair. Pirates Lair is two storey and with a standard roof, is no open air roof top. Thus preserving the privacy of adjoining land parcels. Therefore, the proposed design and structure conflict with both the aesthetics and prevailing privacy of the Pirates Cove Estates properties and are not comparable to any existing property in the immediate area.
3. The infrastructure of South Sound is already under pressure, with the developments previously approved to the East of the Public Dock. This development will put further pressure on the drainage systems for flood water, undermining the infrastructure generally of the area.
4. There are already a number of multi-unit developments planned for South Sound east of the Public Dock. The amalgamation of the traffic from those new developments along with existing

developments will put further stress on the road and road users, especially at peak travel times. This proposed development is unnecessary and will further exacerbate the increasing traffic problems along South Sound Road.

I should be grateful if the Planning Committee could please reject the current proposal on the basis that it fails to meet the current bedroom density restrictions. In the alternative, if the Planning Committee is minded to accede to the plans, please could conditions be attached that require (a) a reduction in the number of units to eight - to reflect that the multi-purpose ground floor room is in fact a bedroom; and (ii) that the open air roof top is prohibited and is replaced with a roof structure in keeping with the area.

Yours faithfully,

Miles Perryman

B9, 722-724 South Sound Road

Sent from [Outlook for iOS](#)



## Popovich, Nicholas

---

**From:** Paul Harris <pharris.ims@gmail.com>  
**Sent:** Thursday, August 10, 2023 6:06 AM  
**To:** Popovich, Nicholas  
**Cc:** David C; Melanie Carmichael  
**Subject:** [EXTERNAL] Objection to: Marzouka Projects No P22-0908 / P22-0909 | Block 21E Parcel 149 - from Paul Harris lot 21E150

Dear Mr Popovich

I am presently travelling on vacation in Europe. So is my daughter Melanie but in a different location.

Therefore it is difficult to communicate on this matter but the main point of my objection is that the proposed development is not consistent with the character of the surrounding area. There is precedent on this in the Stefan Baraud decision of January 2017 (see below). I understand it is the duty of the CPA to ensure consistency and continuity, as to do otherwise would not be fair and reasonable. The prescribed lot widths and size requirements that apply to regular registered parcels also apply to raw land strata lots, as they are legally defined as one and the same, which is what the applicant is creating here. This is a concept of subdivision which I believe the CPA has in the past flatly rejected.

We have no objection to Mr Marzouka developing house lots in keeping with the immediate area but this is an attempt to put a strip development in a totally unsuited area.

I copy below an extract from the 2017 CPA minutes:

*"Application for an eight (8) lot raw land strata subdivision.  
Location Water Cay Road, Rum Point Zoning LDR Parcel Size 1.65 acres Number of Lots 8 Decision:  
It was resolved to refuse planning permission, for the following reason:  
1. The proposed lots do not comply with the minimum lot size and lot width requirements of Regulations 9(8)(d) and (g) of the Development and Planning Regulations (2015 Revision). Based on the information provided by the applicant the Authority is of the view that there is not sufficient reason and exceptional circumstance per Regulation 8(13)(b) of the Development and Planning Regulations (2015 Revision) to allow lot sizes and lot widths that are less than the required minimums by up to 80% and 70%, respectively. Further, the Authority concurs with the objectors in that there are no other lots with these sizes and widths in the immediate or surrounding area and as such, the proposed development is not consistent with the character of the surrounding area. The Authority further concurs that there is reasonableness for the surrounding land owners to expect that development in the area will occur in a manner that is consistent with the established character of that area. To do otherwise would be materially detrimental to adjacent and surrounding land owners as it would detract from their ability to enjoy the amenity of their land and the neighbourhood."*

Thank you for your consideration.

Kind regards

Paul Harris  
Box 61, George Town,  
Grand Cayman, KY1-1102  
Cayman Islands

Email: [pharris.ims@gmail.com](mailto:pharris.ims@gmail.com)

Phone:

Cayman: 345 916 2445

Web: [www.ims.ky](http://www.ims.ky)

On Mon, Aug 7, 2023 at 12:19 AM Melanie C <[melodyc2010@gmail.com](mailto:melodyc2010@gmail.com)> wrote:

Dear Mr. Popovich,

Please find attached our letter of objection and attachments in response to the subject planning application. Our letter is submitted electronically and the appropriate emails are copied in.

Kindly acknowledge receipt of this email and reply to all.

With kind regards,  
Melanie Carmichael

cc: Paul Harris, David Carmichael  
Encs

On Wed, Aug 2, 2023 at 1:45 PM Popovich, Nicholas <[Nicholas.Popovich@gov.ky](mailto:Nicholas.Popovich@gov.ky)> wrote:

Hello Ms. Carmichael,

Thank you for the email.

There are two separate applications related to this property.

One is for townhouses and associated structures under P22-0908.

The other is for a raw land strata under P22-0909.

In both instances, notices are required and we have posted both sets of proposed plans on our website.

You may provide comments on one or both applications by referring to the P numbers noted above.

I hope that helps.

Nick

**Nick Popovich M.PL, MCIP, RPP, AICP**

**Planning Officer | Current Planning**



## **Popovich, Nicholas**

---

**From:** Department of Planning  
**Sent:** Thursday, August 10, 2023 10:13 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to application for planning permission on Block & Parcel 21E149

**From:** Graeme Hill (mailto:graeme.hill.1999@gmail.com)  
**Sent:** Thursday, August 10, 2023 3:32 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to application for planning permission on Block & Parcel 21E149

Dear Sir,

As the owner and inhabitant of a condominium (Block 21E Parcel 67H18) of Pirates Lair (Proprietors of Strata Plan #47), near to the land in question (Block and Parcel 21E 149), I wish to make an objection to the planning permission application referred to above on the following grounds:

1. The occupancy density still appears excessive and out of character for the surrounding environment of the Pirates' Cove Estate which placed historical covenants on various properties to maintain the tranquil character of the area. Although not directly members of the Pirates' Cove Estate, I feel the Estate is generous in its leasing land to facilitate the sporting facilities for the Rugby, Club, Tennis Club and Squash Club and it would be a shame to see this vision and legacy of the founders of the Estate impaired by mass housing. I would encourage the planning committee to further reduce the occupancy density to match that of our own Pirates Lair, within the immediate neighbourhood.
2. The infrastructure of South Sound is already under pressure, with the developments previously approved to the East of the Public Dock. The number of houses on these small parcels of land will set a new precedent for further mass housing destroying the very tranquility owners in South Sound enjoy. It will put pressure on the drainage systems for flood water, undermining the delicate infrastructure of this part of the Island.
3. The development of this block in its current form will inevitably lead to more people and more cars adding to an already seriously congested South Sound Road, causing more traffic issues not only for our immediate area, but for the people east of south sound who already have taxing commutes daily.
4. From an aesthetic and social viewpoint, it would be appreciated if the garbage area could be moved to the far end (northern end) of the property.

I would urge the Planning Committee to restrict the number of properties in this application to take account that the ground floor is masquerading as a further bedroom. I would very much like to see a plan in keeping with the Pirates Cove Estate ideals.

Yours faithfully,





**J W Holdings Ltd (Block 21E / 168)  
782 South Sound Road  
PO Box 448 Grand Cayman KY1-1106**

8 August 2023

Director of Planning  
Planning.dept@gov.ky

FAO of the Director of Planning

**Objection to Application for Planning Permission  
The Property: Block 21E Parcel 149  
Project No: P22-0908  
Owner: Joseph Marzouca  
Applicant: Tropical Architectural Group Ltd**

We are the owner-occupiers of Block 21E Parcel 168 situated on the opposite side of the road to the proposed development at the Property and wish to object to the above named application for planning permission (the "2023 Application") on the grounds that it remains unsuitable in the context of the surrounding area.

To support this objection, we would be grateful if you could consider our assertions that:

1. there is no material change between a previous application made in 2019 (the "2019 Application") and the 2023 Application and thus no significant change to the character of the proposed development;
2. one of the grounds for the original refusal by the Central Planning Authority (the "Authority") and subsequent dismissal of an appeal against the Authority's refusal (namely that the proposed development was unsuitable in the context of the surrounding area) applies equally to the 2023 Application;
3. the 2-bed townhouse is really a 3-bed masquerading as a 2-bed unit with a ground floor "multi-purpose" room and en-suite and as such presents a higher density reality in terms of the likely number of residents and vehicles than the application may initially appear; and
4. if approved, the 2023 Application will add to an already highly stressed infrastructure along South Sound Road.

**NO SIGNIFICANT CHANGE BETWEEN 2019 AND 2023 APPLICATIONS**

We submit that the differences between the 2019 and 2023 Applications are not sufficiently material to alter the character of the development and that the decision of the Authority in 2019 and on appeal in 2020 stands as to the likely detrimental effect such a development would have on the surrounding area.

The following table highlights the differences between the two applications. The townhouses are reduced from 14 to 12 but there is the addition of a 600 square foot Clubhouse.



<b>2019 Application</b> Refused: 19 June 2019 Appeal Dismissed: 14 October 2020	<b>2023 Application</b>
2 x 3 storey blocks	2 x 3 storey blocks
14 Townhouses	12 Townhouses
1 Cabana	144 sq ft Cabana
	600 sq ft Clubhouse
2 x 500 gallon LPG Tanks	2 x 500 gallon LPG storage tanks
2 x signs attached to a 4'6" free standing wall	2 x subdivision signs
5' Boundary Fence	4' Concrete fence and pool
Pool	Pool

#### **GROUND'S FOR ORIGINAL REFUSAL AND DISMISSAL OF APPEAL**

The applicant's previous application to develop the Property was refused by the Authority on 19 June 2019. One of the two reasons for the rejection was:

*"The applicant failed to demonstrate that the site is a suitable location for apartments per Regulations 9(8) of the Development and Planning Regulations."*

On appeal, it was stated that the Authority was entitled to determine that this project in this location was not suitable and that:

*"planning applications or dwelling units on land zoned for other forms of development will be considered on their merits having regard to the effect they would have on the character of such other area."*<sup>1</sup>

And that:

*"it is appropriate to consider, among other things, what type of development currently exists in the surrounding neighbourhood and all material considerations, including the private rights of landowners in the area."*<sup>2</sup>

The area surrounding the Property has been subject to a development regime of predominantly single-family development and we submit that nothing has changed in this regard since the Authority's original determination that, based on the merits of the application, the effect the project would have on the character of the area was not appropriate.

<sup>1</sup> The Development Plan 1997 - s 3.01 Residential Development Zones

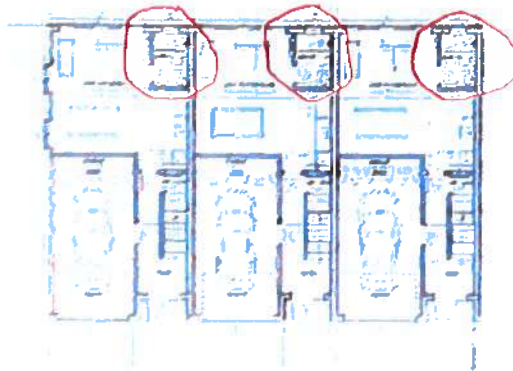
<sup>2</sup> per *Stringer vs. Minister of Housing* (1970) 1WLR 1281.



The occupancy density envisaged by the 2023 Application still appears excessive and out of character for the surrounding environment of the Pirates' Cove Estate (the "Estate") which placed historical covenants on various properties to maintain the tranquil character of the area. As has been mentioned by many in previous objections, the Estate is generous in its leasing land to facilitate the sporting facilities for the Rugby Club, Tennis Club and Squash Club and it would be a shame to see this vision and legacy of the founders of the Estate impaired by mass housing.

### **3-BED TOWNHOUSE MASQUERADING AS 2-BED TOWNHOUSE**

The design of the townhouses seems to encourage the conversion of the "multi-purpose" room into a further bedroom with accompanying bathroom and shower already included in the plan (see extract below). This will inevitably encourage increased population density at the Property as well as an increase in the number of cars being parked and used on an already seriously congested South Sound Road.



### **PRESSURE ON SOUTH SOUND INFRASTRUCTURE**

The infrastructure of South Sound is already under pressure, with the developments already approved to the East of the Public Dock. The volume of cars using South Sound at peak travel times with queues stretching back to Vienna Circle and congestion leading up to the Hurleys roundabout is well documented.

The number of residences on these small parcels of land will set a new precedent for further mass accommodations destroying the very tranquillity owners in South Sound enjoy. The Board Walk was built at great expense to create an environment for residents to safely enjoy one of the last ocean front stretches along the south coast. This is jeopardised with increased development, population density and safety concerns with the ever increasing volume of traffic.

Any development along this stretch of the coast is also likely to put pressure on the drainage systems for flood water, undermining the delicate infrastructure of this part of the Island.

### **IN CONCLUSION**

In conclusion, we are of the opinion that the 2023 Application is no different in substance from the previous 2019 Application and that the proposed development remains unsuitable in the context of the surrounding area for the above reasons. We hereby object to the 2023 Application in its current state and respectfully urge the Planning Committee to restrict the number of properties in this application.

Yours faithfully

  
Roger & Sarah Priaux (For and on behalf of J W Holdings Ltd)





*Pirate Cove  
Estates Residents'  
Association*

EST. 2008

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**8 August 2023**

**Director of Planning  
Government Administration Building  
George Town**

**RE: PROJECT# p22-0908 Blk21E/149 and PROJECT22-0909**

**As Directors of Pirate Cove Estates Residents' Association Ltd, we write on behalf of the Association's members to object to the above planning applications mentioned above.**

**These projects have been refused twice by the CPA and by PAT once. The main grounds for refusal was under Regulation 9(8) of the Development and Planning Regulations. The CPA and PAT determined that these projects in this location are not suitable to Block 21E. Block 21E consists only of single family homes with restrictive covenants. A few of the covenants are no flat roofs, three story houses and no subdivision. These projects are in breach of the restrictive covenants**

**The original concerns have not been met in these applications. The Townhouses are now down to 12 units from 14, the original application. The application is not clear as to the number of bedrooms per unit and has a common room which can be turned into another bedroom after the CO has been granted. The lot 21E/149 is entirely too small for this project with setbacks not sufficient and unfair to adjoining parcels of land.**

**The proposed raw land strata lots do not meet the required minimum lot width and size prescribed by the Regulations. It is the duty of the CPA to ensure consistency and continuity. The prescribed lot widths and size requirements that apply to regular registered parcels also applies to raw land strata lots as they are legally defined as one and the same, which is what the applicant is creating here.**

**We strongly object to the flat roof with air conditioners located on the roof with ladders attached to the side of the building for access. Again this is out of character of Pirate Cove Estates.**

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**PIRATE COVE ESTATES RESIDENTS' ASSOCIATION LTD. P.O. BOX 10147,  
GRAND CAYMAN, KY1-1002, CAYMAN ISLANDS**

*Pirate Cove  
Estates Residents'  
Association*

EST. 2008

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Plans have still not been addressed by NRA for Storm Water Management for the island and in particular in the South Sound basin. Block 21E was developed over Tarpon Lake with the water table extremely high along with sink holes in the block. Some of the deepest sink holes are on Anne Bonny Crescent, next to the proposed development. Residents are very concerned about the negative impacts on adjacent properties as a result of drilling, filling and proper drainage.

Traffic congestion on South Sound Road should be taken into consideration with this application as well. Residents have a very hard time now getting on the main road and additional cars from this development will only add to the congestion and frustration of the traveling public.

Pirate Cove Estates subdivision was designed and intended from inception as a single family development scheme, implemented by way of registered restrictive covenants. There is a predominant style and type of development, namely single family, residential development therefore, making this development not compatible.

We kindly ask the CPA to refuse this application based on the Planning Law Regulations and the concerns of adjacent land owners and residents.

Sincerely,

The Directors of the Pirate's Cove Estates Residents Association

Anne Shaw, Director

Andrew Jones, QC, Director

Melanie Carmichael, Director

Berna L. Cummins, MBE, Director



## **Popovich, Nicholas**

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**From:** Department of Planning  
**Sent:** Tuesday, August 8, 2023 8:45 AM  
**To:** Popovich, Nicholas  
**Subject:** FW: [EXTERNAL] Objection to application for planning permission on Block & Parcel 21E149

Here we go again

**From:** Mark Macfee <macfeem@gmail.com>  
**Sent:** Tuesday, August 8, 2023 2:24 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Objection to application for planning permission on Block & Parcel 21E149

Dear Sir,

**As the owners of property (Block 21E Parcel 169) directly opposite the land in question (Block and Parcel 21E 149) we wish to make an objection to the planning permission application referred to above on the following grounds:**

- 1. The occupancy density still appears excessive and out of character for the surrounding environment of the Pirates' Cove Estate which placed historical covenants on various properties to maintain the tranquil character of the area. As has been mentioned by many in previous objections, the Estate is generous in its leasing land to facilitate the sporting facilities for the Rugby, Club, Tennis Club and Squash Club and it would be a shame to see this vision and legacy of the founders of the Estate impaired by mass housing. We would encourage the planning committee to further reduce the occupancy density to match that of Pirates Lair, within the immediate neighbourhood.**
- 2. The design of the houses seems to encourage the conversion of the "garage" into a further bedroom, with accompanying bathroom and shower already included in the plans. This is a common conversion and will inevitably lead to more people and more cars adding to an already seriously congested South Sound Road.**
- 3. The infrastructure of South Sound is already under pressure, with the developments previously approved to the East of the Public Dock. The number of houses on these small parcels of land will set a new precedent for further mass housing destroying the very tranquillity owners in South Sound enjoy. It will put pressure the drainage systems for flood water, undermining the delicate infrastructure of this part of the Island.**
- 4. From an aesthetic and social view point, it would be appreciated if the garbage area could be moved to the far end (northern end) of the property.**

**We would urge the Planning Committee to restrict the number of properties in this application to take account that the ground floor is masquerading as a further bedroom.**

**Yours faithfully,**



Paul Harris, David and Melanie Carmichael  
PO Box 61, George Town  
Grand Cayman KY1-1102

6 August 2023

Dear Mr. Popovich,

Block 21E Parcel 149 | PROJECT #P22-0908 and PROJECT #P22-0909

Our family land (parcel 150) and home (parcel 151) are adjacent to Parcel 149 and as the owners we hereby jointly object to the proposed planning application.

We are not opposed to private home development but we are opposed to the building of apartments that lack character, sustainable design and which are not in keeping with the Pirate Cove Estates residence scheme. The proposed development of townhouse apartments is not suited to the location given the following concerns.

**Character & Suitability**

A one acre 12-unit townhouse complex is completely *out of character* for this location when compared with the private established homes in this residence scheme (Pict.1 & 2).



Pict 1. | Adjacent Private Homes



Pict 2. | Anne Bonny Crescent

The video link provides an overview of Pirate Cove Estates which comprises all the land in Block 21E established in the 1970's as a single family home sub-division:

<https://bit.ly/PirateCoveEstates>

**The development of strata lots has been refused twice by the Central Planning Authority and the decision upheld by the Planning Appeals Tribunal 2-Oct-2020 (copy of the Judgement is attached) in which it clarified that:**

***"The applicant failed to demonstrate that the site is a suitable location for apartments per Regulations 9(8) of the Development and Planning Regulations."***



***"The Authority was entitled to determine that this project in this location was not suitable. The Law and in particular s.15(1) gives the Authority complete discretion to grant or refuse planning permission. The Authority after hearing from the Objectors, the Applicant and considering the relevant departments' views determined to exercise its discretion in refusing the application."***

**In reality, the original concerns have not been considered by the applicant which are detailed in the prior CPA12/19 Minutes. Neither the applicant nor his representatives have regard for the Restrictive Covenants that comprise Block 21E to liaise and comply with the neighbourhood housing scheme managed by Pirate Cove Estates Residents' Association Ltd. The proposed development is a nuisance and annoyance to neighbouring properties and will have a negative visual impact. *It is a stated goal in Section 3.2 of the CPA approved National Planning Framework (NPF) to afford residential areas the protection and opportunity to create unique places, with a sense of identity and ownership and that the absence of a defining policy and vision as to how the character of neighbourhoods should be defined leaves these zones vulnerable to ever changing market forces and these can quickly change the character of an area to the detriment of existing residents.***

**It is the duty of the CPA to consider the first test of suitability and to ensure consistency and continuity as to do otherwise would not be fair or reasonable.**

### **Third Application**

**Although we see a reduction in units this is a requirement given the adjoining land could not be leased or subdivided to increase the parcel size under the Bylaws as previously attempted. The nature of this application is the same as the previous application in terms of the proposed land use and has the appearance of presenting identical concerns in terms of size, massing, scale and design with a few minor changes. Therefore, the CPA should ensure consistency by rejecting this application on the same basis as before which is to say that the proposed location is not suitable for this type of development.**



**-The mass and density of the development is incompatible with the character of the location and unlike any other built development in the Pirate Coves Estate sub-division-- it is a long narrow front to back building stretching across the entirety of the parcel with a vertical 3-story front 'tenement' style block and flat roof (eg Pict.3).**

**-The front of the development is almost entirely comprised of an asphalt parking lot and road access which will create a hot unattractive space and the vehicular traffic, noise, lighting, CUC poles etc, will cause a nuisance and annoyance to the adjacent**



private residences as well as our privacy. High end developments place the utilities underground allowing attractive landscaping and more resilient infrastructure.

-The 'multi-purpose room' looks more like another self-contained unit or at least a bedroom so how has this been accounted for in the density calculations? Ground floor "bedrooms" with ensuite bathrooms and exterior entrance can and should be counted as separate units.

-The proposed raw land strata lots do not meet the minimum lot width and size prescribed by the Regulations. There is precedent on this in the Stefan Baraud decision CPA/02/17 where the prescribed lot widths and size requirements that apply to regular registered parcels also applies to raw land strata lots and it is the duty of the CPA to ensure consistency and continuity as to do otherwise would not be fair or reasonable.

The development is simply out of scale and character for the neighbourhood, evidenced by the response from the home objectors and residence area plan (Pict.4). The pressure brought by an adjacent landowner for such a large quantity of apartments (and people) jammed into a small one acre parcel unsuited to this type of development is to the detriment of established Caymanian families and owners who have worked hard to maintain the aesthetic appreciation of the area since the 1960s and the area is recognised as such in the revised Planning Framework as a long-established SFR zone. Arguments speaking to anything other than this are baseless as the built Residence Scheme is evidence of it's purpose and character.



Prior applications and legal submissions are clear that the proposed location is not a suitable location for apartments and the current site and location is in fact the same but now with even *less* landscaped space. Townhouses are not defined separately in the Regulations and are the same as apartments.

Pict.4 | Block 21E - Pirate

Cove Estates Ltd.

### **Boundary Setback**

The applicant is proposing to situate the road access on the east side that adjoins our family land which we have retained for a future family home in keeping with the neighbourhood character and natural ponds (see Paul Harris letter of objection CPA12/19 pg109 attached).



The proposed site is densely forested (Pict.5) with tall mature native wetland habitat (some arguably 25ft high) and we retain these important trees throughout our property and as a boundary screening. Many of these mature trees have roots on the boundary line and the proposed development access puts the road and a concrete wall right up against the tree roots which will suffocate the trees and eliminate any privacy. These trees are not suitable for relocation but more could be done to incorporate the vegetation into the design. **Sustainable land practices require the retention of mature trees where possible and have been identified as being critical to life (SDG Goal 15 <https://www.un.org/sustainabledevelopment/biodiversity/>).** Further, there is no safe sidewalk along the boundary for maintenance, most all of the area is hardscaping which appears to be dangerous and inadequate. In determining suitability in this location, arguably there needs to be a natural privacy setback of 10 feet along the east boundary (20 feet is the minimum required for mature trees).



**Pict. 5 | Site boundary adjacent to Parcel 150**

#### **Lack of an area Stormwater Management Plan**

We are not aware of any progress made by the National Roads Authority regarding the many concerns raised about stormwater management in the South Sound basin for which a study is to be undertaken. These concerns have been highlighted on repeat in the 2015 report from the joint authorities (DoE, NRA and WA). The most recent and closest apartment complex to have been built is VELA who have been experiencing water management issues. Specifically they have a problem with their deep wells, with at least two not draining properly after a storm or heavy rain resulting in the development experiencing significant flooding. They have sought advice from a deep well driller who has confirmed that the water table is too high and that the



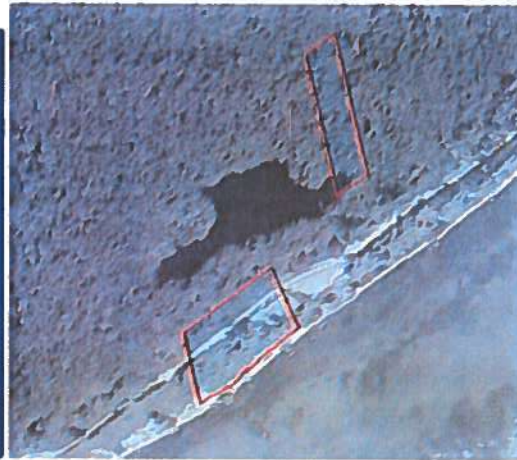
issue is not the well and digging deeper wouldn't resolve the issue. They had asked to drill a further 50'. Please ensure the respective authorities provide an update on water table concerns and an assessment of the proposed functionality of the proposed on site stormwater treatment plant. Simply put, the proposed catch basins with deep well will be ineffective and likely more damaging.

### Lack of a Geotechnical Report

A number of sinkholes were documented following the January 2020 earthquake and some of these were located in the South Sound area (Pict.6). Some of the deepest sinkholes are across from the subject planned development and the land is particularly sensitive directly adjacent and around the development site. There is a *natural spring* on Anne Bonny Crescent which is monitored by the Water Authority. We have serious concerns, given the lack of a geotechnical survey, about the negative impacts on adjacent property as a result of well drilling, excavating, filling and compacting this sensitive land area. Excavators have 'disappeared' into the wetland to the rear of our land and topographically the area is sited over the old Tarpon Lake (Pict.7). What guarantee or security is the developer going to provide to mitigate damage to adjacent property or infrastructure?



Pict.6 | Sinkhole Damage Assessment



Pict. 7 | Tarpon Lake 1958

### Septic Management

In the NPF, it states that the use of septic tanks as the predominate method of wastewater disposal will have long-term effects on the Islands' fresh water lenses, marine life, and coral beds, and must be addressed urgently. *Goal 7.4.5. states: Ensure that wastewater generated near sensitive water bodies such as coastal areas, wetlands, ponds, water lenses and canals are treated to a higher standard.* The Marzouka project is a high density strip development attempting to be squeezed onto a totally unsuited site between single family homes in an up market residential area. This should not be permitted and Mr Marzouka and his partners should be encouraged to look for a more suited area or alternatively consider a single home housing development for their land. In addition we make the observation that if his present plans should be approved for some other more suited area with similar setbacks we assume it will be mandated that the development will incorporate a state-of-the-art sewage treatment plant so as



to ensure there will be no negative impact from such a dense development on a small piece of land and that a tried and tested stormwater management plan be made to address any low water table issues in joint consultation with the Dept. Of Environment, the NRA and the Water Authority.

### **Traffic**



There is presently no disaster management solution from the National Roads Authority to support the South Sound area as a result of rapid growth, commercial vehicles, crime and speed offenses. This is a scenic coastal road and an established safe neighbourhood and the residents association maintain a large landscaped buffer adjoining the residence scheme.

**Pict 8 | Anne Bonny/South Sound Road and Buffer on right.**

Adding unsustainable development into the mix with a traffic junction adjacent to Anne Bonny Crescent is only going to add to the safety and traffic concerns and destroy the greenscape aesthetic. Moreover, there is limited if any public transport provided on this route and bicycle and pedestrian travel is unsafe.

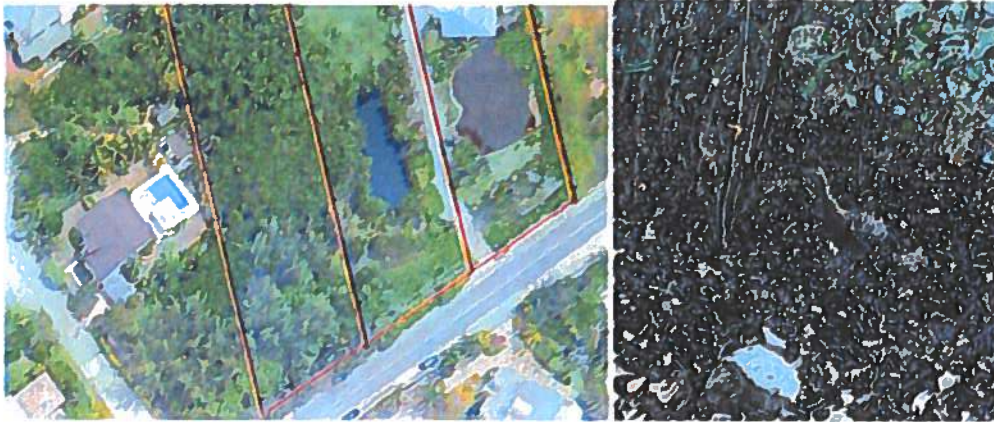
### **Natural Hydrology and Environment**

Our built property is an elevated home as this area storm flooded to 10ft in the 2004 Hurricane Ivan event. We have incorporated natural drainage brackish water ponds which support protected native tree species (eg red and black mangroves, green buttonwood, plop nut and pond-apple) as well as a variety of unique waterfowl like the west indian whistling duck, moorhen, grey heron, white egret, night heron together with woodpeckers and green parrots as well as migratory birds like the anhinga. This wetland habitat is intrinsically linked to the adjacent wetland habitat of the proposed development parcel. The hydrology of the area must not be unbalanced as this will have a negative outcome on the natural systems in place and the developer must demonstrate that the proposed development will not negatively impact adjacent properties. Allowing the water to drain to the east to incorporate wetland bioswales along the east boundary would help to sustain the critical habitat corridor and hydrology. Continuing to ignore the natural processes of our ecosystems and our environment is in contravention of our 1997 Development Plan, S18 of the Planning Regulations as well as the draft National Planning Framework S7.5 and S9.1 and S9.3. *In the Berkeoy planning application for Red Bay Estates MCPA0621 the importance of established wetland habitat is evidence supported in their submissions and it was a condition that the boundary be realigned to accommodate the existing*



*pond with a sufficient 10'W buffer to be retained in it's natural state between the pond and the road.*

Section 15 of the Conservation Law provides that the species of wildlife listed in Parts 1 and 2 of Schedule 1 to the Conservation Law are protected. Schedule 1 identifies species protected at all times (except for those listed in Part 2 Bluewinged teal and White-winged doves). Consequently, the West Indian Whistling Duck is a protected species which inhabit these wetlands and without proper hydrology and a fragmented habitat their protection would be affected.



Satellite Image showing ponds and West Indian Whistling Duck in adjoining vegetation.

We thank the CPA for their review of these important concerns.

Sincerely,

Paul Harris 21E 150

David Carmichael 21E 151  
Melanie Carmichael 21E 151

## Appendix D

## Existing fences along Stone Wall Drive



Block 15E Parcel 43



Block 15E Parcel 111



Existing fences along Stone Wall Drive



Block 15E Parcel 131



Block 15E Parcel 132